

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS

ON SUBSISTENCE, PERSONAL USE, SPORT, GUIDED SPORT, AND
COMMERCIAL FINFISH REGULATORY PROPOSALS

FOR THE

ARCTIC-YUKON-KUSKOKWIM AREA FINFISH

ALASKA BOARD OF FISHERIES MEETING
FAIRBANKS, ALASKA

JANUARY 12-19 , 2004



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (Board) meeting, January 12-19, 2004 in Fairbanks, Alaska. The comments are forwarded to assist the public and Board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the Board.

This book is organized by Board Subcommittee. A listing of staff comment page numbers by proposal number appears after the Table of Contents on page vi.

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COMMITTEE A-SPORT FISH-RESIDENT SPECIES FISHERIES

STOCKED WATERS

PROPOSAL 107, Page 110, - 5 AAC 70.XXX. Stocked Waters Management Plan for the Arctic-Yukon-Kuskokwim Area.

This proposal seeks to adopt a Regional Stocked Waters Management Plan that would provide a framework for setting regulations in all stocked waters in the Arctic-Yukon-Kuskokwim (AYK) and Upper Copper/Upper Susitna (UCUS) regulatory areas.

WHAT WOULD THE PROPOSAL DO? Place all regional stocked waters into one of three regulatory categories, based on a number of factors such as level of participation, ease of access, stocking density, and type of angling opportunity desired.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022 (a-e) and 5 AAC 52.022. Bag and possession limits for stocked waters vary by location and species, depending on stocking levels and fishery participation. Daily limits range from 2 to 10 per day (per species) with several cumulative limits (all species combined) of 30 fish per day. Several systems have length limits and seasons are open year-round.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Regulations for all stocked waters in the AYK and UCUS regulatory areas would be standardized and simplified under a three category system: High Yield (10 fish per day of all species combined, 1 over 18" in length, open year-round); Conservative Yield (5 fish per day all species combined, 1 over 18", open year-round); or Special Management (1 fish of any species or catch and release). These categories were designed to accommodate a diversity of fishing opportunities sought by the public.

BACKGROUND: Regulations for stocked waters have generally been very liberal, but have also been restricted in some instances to attempt to provide larger fish in specific waters. Because harvest from stocked waters can be large without biological concerns, regulations have been liberal. There have been a number of proposals in the past few years to manage some stocked waters for the harvest (or catch) of fewer, but larger, fish.

DEPARTMENT COMMENTS: The department submitted this proposal, and we continue to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in area stocked waters fisheries.

PROPOSAL 255, (Formerly ACR 1), - 5 AAC 52.XXX. Stocked Waters Management Plan for the Upper Copper/Upper Susitna Area.

This Agenda Change Request was approved to include the stocked waters fisheries within the Upper Copper/Upper Susitna Management Area in discussions relative to Proposal 107. This proposal seeks to adopt a Regional Stocked Waters Management Plan that would provide a framework for setting regulations in all stocked waters in the Arctic-Yukon-Kuskokwim (AYK) and Upper Copper/Upper Susitna (UCUS) regulatory areas.

WHAT WOULD THE PROPOSAL DO? Place all regional stocked waters into one of three regulatory categories, based on a number of factors such as level of participation, ease of access, stocking density, and type of angling opportunity desired.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022 (a-e) and 5 AAC 52.022. Bag and possession limits for stocked waters vary by location and species, depending on stocking levels and fishery participation. Daily limits range from 2 to 10 per day (per species) with several cumulative limits (all species combined) of 30 fish per day. Several systems have length limits and seasons are open year-round.

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DEPARTMENT COMMENTS: The department submitted this Agenda Change Request and we continue to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in area stocked waters fisheries.

PROPOSAL 101, Page 98, - 5 AAC 70.022 (d). Waters; seasons; bag, possession, and size limits; and special provisions. Amend this regulation to include the following:

Immediate closure with eventual “reduction in bag limit for Quartz Lake to five total fish per day with only one fish over 18 inches.”

WHAT WOULD THE PROPOSAL DO? If adopted this proposal would close fishing in Quartz Lake for an unspecified period of time and eventually establish a reduced bag limit (5 fish, only one can be larger than 18 inches) upon re-opening the fishery at some future date.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(d)(11)(A)(i,ii,iv)
Landlocked salmon: the bag and possession limit is 10 fish, with no size limit; Arctic Char and Dolly Varden: the bag and possession limit is 10 fish, with no size limit; rainbow trout: the bag and possession limit is 10 fish, with no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? In Quartz Lake the current bag limit allows the potential harvest of up to 30 fish per day (all species combined). This proposal, if adopted, would eliminate all harvest for some unspecified period of time. The effect of the “eventual” bag and size limit request is impossible to predict, because the proposal does not establish any guidelines as to when the fishery would be reopened.

BACKGROUND: Because Quartz Lake is stocked annually and has no wild fish populations, regulations are intended to be liberal. This fishery allows opportunity for fishermen to harvest greater numbers of fish than allowed for wild stocks. The department approach has been to have at least several road accessible lakes to provide liberal harvest opportunity. Quartz Lake is one of several stocked lakes that have provided this opportunity.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. An immediate closure of the fishery would decrease fishing opportunity with no measurable benefit. The Department recognizes that the current bag limit is viewed by segments of the public as being very liberal. The Department recommends that the issue of Quartz Lake regulations be dealt with by placing the lake into one of the regulatory categories proposed under Proposal 107. Proposal 107 includes provisions for reviewing and potentially changing existing stocked waters regulations including imposing length limits.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Quartz Lake fishery.

PROPOSAL 114, Page 118, 5 AAC 70.022(d). Waters; seasons; bag, possession, and size limits. Amend this regulation as follows:

In Quartz Lake the combined species bag and possession limit is ten fish.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the potential harvest of stocked fish in Quartz Lake from 30/day (all species combined) to 10/day.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022 (d)(11)(A)(i,ii,iv). Landlocked salmon: the bag and possession limit is 10 fish, with no size limit; Arctic Char and Dolly Varden: the bag and possession limit is 10 fish, with no size limit; rainbow trout: the bag and possession limit is 10 fish, with no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The current bag and possession limit is 10 per day for each species. This proposed regulation would allow a combined bag and possession limit of 10 fish, regardless of species.

BACKGROUND: Rainbow trout, silver salmon, and Arctic char are stocked annually into Quartz Lake. This lake supports the largest stocked-lake fishery in the AYK region. Effort that might otherwise be directed toward Tanana drainage wild stocks is absorbed at Quartz Lake and other stocked lakes. Increasingly restrictive regulations have been implemented to protect wild stocks in interior Alaska, particularly in high-use, road-accessible fisheries.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The department has submitted Proposal 107, which includes a number of different regulatory options for consideration relative to Quartz Lake. The Department recommends that the issue of Quartz Lake regulations be dealt with by placing the lake into one of the regulatory categories proposed under Proposal 107.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Quartz Lake fishery.

ARCTIC GRAYLING

PROPOSAL 109. Page 113, 5 AAC 70.XXX. Management Plan for Arctic Grayling in the Arctic-Yukon-Kuskokwim Area.

This proposal seeks to adopt a Regional Arctic Grayling Management Plan that would provide a framework for setting regulations for all Arctic grayling fisheries in the AYK and UC/US regulatory areas.

WHAT WOULD THE PROPOSAL DO? Place all Arctic grayling regulations in the region under one of three regulatory options, based on a number of factors such as stock size and structure, level of participation, level of estimated harvest and/or catch, ease of access, and type of angling opportunity desired. The three categories include a background regulation with a 5 fish bag limit and few length restrictions to special management areas with limited harvest opportunity.

WHAT ARE THE CURRENT REGULATIONS? Bag and possession limits for Arctic grayling vary by location, depending on the type of fishery. Regulations range from closed to fishing to 10 per day, but bag limits are generally between 2 to 5 per day, and in some cases include length restrictions. In some areas, seasons are open year-round, and some areas have spring spawning restrictions.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Regulations for Arctic grayling in all waters in the AYK and UC/US regulatory areas would be standardized and simplified with the use of a category system based on the characteristics of the fishery. These regulatory options are designed to protect stocks while allowing for a diversity of opportunity.

BACKGROUND: Arctic grayling regulations in both the AYK and UC/US regulatory areas have, in general, become more restrictive over the past 20 years. These restrictions have been in response to increases in estimates of participation, harvest, and catch, and in some cases, declines in estimated abundance of specific stocks.

DEPARTMENT COMMENTS: This is a department submitted proposal, and we continue to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the area Arctic grayling fisheries.

PROPOSAL 256. (Formerly ACR 2), 5 AAC 52.XXX. Management Plan for Arctic Grayling in the Upper Copper/Upper Susitna Area.

This Agenda Change Request was approved to include the Arctic grayling fisheries within the Upper Copper/Upper Susitna Management Area in discussions relative to Proposal 109. This proposal seeks to adopt a Regional Arctic grayling Management Plan that would provide a framework for setting regulations in all grayling fisheries in the Arctic-Yukon-Kuskokwim (AYK) and Upper Copper/Upper Susitna (UCUS) regulatory areas.

WHAT WOULD THE PROPOSAL DO? Place all Arctic grayling regulations in the region under one of three regulatory options, based on a number of factors such as stock size and structure, level of participation, level of estimated harvest and/or catch, ease of access, and type of angling opportunity desired. The three categories include a background regulation with a 5 fish bag limit and few length restrictions to special management areas with limited harvest opportunity.

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BACKGROUND: Arctic grayling regulations in both the AYK and UC/US regulatory areas have, in general, become more restrictive over the past 20 years. These restrictions have been in response to increases in estimates of participation, harvest, and catch, and in some cases, declines in estimated abundance of specific stocks.

DEPARTMENT COMMENTS: This is a department submitted Agenda Change Request and we continue to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the area Arctic grayling fisheries.

PROPOSAL 111, PAGE. 115, - 5 AAC 70.022(c) Waters; seasons; bag; possession, and size limits. Amend this regulation as follows:

In the Dalton Highway corridor (Trans-Alaska Pipeline corridor) within the Yukon River portion of the Arctic-Yukon-Kuskokwim Area,...the bag and possession limit for Arctic grayling is five fish, no size limit.

WHAT WOULD THE PROPOSAL DO? The proposal would remove the 12 inch minimum size limit from the regulation for Arctic grayling in waters for the Dalton Highway corridor within the Yukon River drainage.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(c)(10)(D)(iii). The bag and possession limit for Arctic grayling is five fish, 12 inches or more in length; all Arctic grayling caught that are less than 12 inches in length must be immediately released.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Anglers would have the opportunity to harvest Arctic grayling less than 12 inches in length from waters within the Dalton Highway corridor in the Yukon River drainage.

BACKGROUND: The 12-inch minimum length limit currently in regulation was instituted using knowledge of Tanana River area stocks. The regulation allowed a harvest of fish presumably after having the opportunity to mature, spawn, and contribute to the population before being subject to harvest as a 12-inch or larger fish. The current length limit was intended to reduce harvest, rather than as a mechanism to provide larger fish.

Current estimates of effort, harvest and stock status, however, indicate that these stocks can sustain greater levels of harvest. There is a concern that the recent improvement of the road (much of the road between the Yukon River and Atigun Pass has recently been paved) will increase use of the Dalton Highway and the Arctic grayling inhabiting road-side waters. To date there is no evidence of increased harvest of Arctic grayling within the road corridor. If it becomes necessary with increased harvest to reduce fishing mortality on these stocks, a reduction in the bag limit with no length limit should first be applied, and then, if necessary, a length limit.

DEPARTMENT COMMENTS: This is a Department submitted proposal and we continue to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Dalton Highway Arctic grayling fishery.

PROPOSAL 112, PAGE. 116, - 5 AAC 70.022(a). Waters; seasons; bag; possession, and size limits. Amend this regulation as follows:

In the Dalton Highway corridor (Trans-Alaska Pipeline corridor) within the North Slope portion of the Arctic-Yukon-Kuskokwim Area...the bag and possession limit for Arctic grayling is five fish, no size limit.

WHAT WOULD THE PROPOSAL DO? The proposal would remove the 12 inch minimum size limit from the regulation for Arctic grayling in waters within the Dalton Highway corridor on the North Slope.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(a)(14)(D). The bag and possession limit for Arctic grayling is five fish, 12 inches or more in length; all Arctic grayling caught that are less than 12 inches in length must be released immediately.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Anglers would have the opportunity to harvest Arctic grayling less than 12 inches in length from waters within the Dalton Highway corridor.

BACKGROUND: The 12-inch minimum length limit currently in regulation was instituted using knowledge of Tanana River area stocks, and was based on the assumption that grayling would have the opportunity to mature, spawn, and contribute to the population before being subject to harvest as 12-inch or larger fish. The current length limit was proposed and adopted as a measure to reduce harvest, rather than as a mechanism to provide larger fish.

Current estimates of effort, harvest and stock status indicate that these stocks can sustain greater levels of harvest. There is a concern that the recent improvement of the road (much of the road between the Yukon River and Atigun Pass has been recently paved) will increase use of the Dalton Highway and the Arctic grayling inhabiting road side waters. To date there is no evidence of increased harvest of Arctic grayling within the road corridor. If it becomes necessary with increased harvest to reduce fishing mortality on these stocks, a reduction in the bag limit with no length limit should first be applied, and then, if necessary, a length limit.

DEPARTMENT COMMENTS: This is a Department submitted proposal and we continue to **SUPPORT** this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Dalton Highway Arctic grayling fishery.

PROPOSAL 116, PAGE 119, - 5 AAC 70.030 (d)(W)(ii). Waters; seasons; bag, possession, size limits; and special provisions. Amend this regulation as follows:

For Arctic grayling within the Tok River drainage, except from the outlet of Mineral Lake to the confluence of Mineral Creek and the Little Tok River, No closed season, bag limit of five per day, only one fish over 12 inches during May.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the Arctic grayling bag and possession limit to 5 fish, only one fish over 12 inches, with the season open all year for the Tok River drainage; except for the outlet of Mineral Lake to the confluence of Mineral Creek and the Little Tok River, where the current regulations would be retained.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(d)(W)(ii). Arctic grayling may be taken from May 15 through October 31, with a bag and possession limit of two fish, no size limit;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would increase sport fishing opportunity for Arctic grayling in the Tok River accessible from the Tok Cutoff Road. It would allow fishing on a portion of the overwintering Arctic grayling population and during spawning. The proposed regulation would expose this population to exploitation during the early winter and spring months when the fish are concentrated in a relatively small geographic area. The proposed regulation would also increase the bag limit from 2 fish with no length limit, to 5 fish with only one greater than 12 inches.

BACKGROUND: The Tok River drainage supports one of the only roadside grayling fisheries near Tok. The fishery primarily occurs during the summer months in the Little Tok River which is a tributary to the Tok River. This grayling population overwinters in the Tok River, concentrated in a relatively small geographic area. During 1994, the Board of Fisheries adopted the existing regulations in part because it was believed that exploitation on the stock was excessive (nearly 20%) and it was perceived locally that the population was declining. The existing regulation was also adopted to protect fish during the spring spawning period, when spawners are concentrated.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. This proposed regulation would expand the season to allow harvest during the period when fish are concentrated, and more susceptible to harvest.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 113, PAGE 117, - 5 AAC 70.023(c). Special provisions for methods and means. Amend these regulations to provide the following:

In the Delta Clearwater Drainage, from January 1 through August 31, only unbaited, single-hook with no barb, artificial lures may be used; from September 1 through December 31, only unbaited, artificial lures with no barb may be used.

WHAT WOULD THE PROPOSAL DO? This regulation would restrict the use of barbed hooks in the Delta Clearwater River drainage and Clearwater Lake drainage.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.023(c)(6)(A-B). In the Delta Clearwater River drainage, including the Clearwater Lake drainage, from January 1 through August 31, only unbaited, single-hook, artificial lures may be used; from September 1 through December 31, only unbaited, artificial lures may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would require anglers to either purchase barbless hooks or pinch the barbs on their hooks. The intent of this proposal is to make hook removal from fish easier, reducing handling time and possibly physical damage to the fish. The grayling fishery and (after August 31) the coho salmon fishery would be affected.

BACKGROUND: The estimated catches of Arctic grayling over the past five years within this fishery have averaged 12,413 fish. Many of these fish are caught during the summer months in a relatively small easily accessible location associated with the State Campground and a private lodge. Because of the high catch rate of fish from a relatively small geographic area, it is likely that individual grayling are caught multiple times within a single season.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The intent of this proposal is to reduce the potential for mouth damage and mortality during the summer catch-and-release grayling fishery. There is currently no data that suggests the use of barbless hooks reduces mouth damage. No apparent biological benefit can be found that would justify further complicating the current regulations for the Delta Clearwater Arctic grayling fishery. Adoption of this regulation would also unnecessarily restrict gear use in the coho salmon fishery.

COST ANALYSIS: Adoption of this proposal is expected to result in additional direct costs for private individuals to participate in this grayling fishery.

PROPOSAL 117, PAGE 120, - 5 AAC 70.022. WATERS; Seasons; bag, possession and size limits. Amend this regulation to include the following:

In all flowing waters of the Chena River above the Nordale Road Bridge, catch and release only for the entire year. Below the Nordale Road Bridge, anglers' daily bag and possession limit is one grayling between June 1 and July 15. No grayling may be retained anywhere on the Chena River between July 16 and May 31.

WHAT WOULD THE PROPOSAL DO? This proposal would allow harvest of Arctic grayling from the Chena River downstream from the Nordale Road Bridge during a 1½ month period during the summer.

WHAT ARE THE CURRENT REGULATIONS? - 5 AAC 70.022 (d)(11)(C) (ii). Arctic grayling may be taken from January 1 through December 31 by catch and release fishing only.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Opportunity to harvest grayling would be available in the lower 30 miles of the Chena River. The restriction on fishing with baited hooks with a gap smaller than ¾ inch would remain in place. The lack of a size limit would add inconsistency with regulations governing the harvest of grayling in other high-use Tanana Drainage waters. Grayling fishing upstream from Nordale Road and in tributaries of the Chena River would remain restricted to catch-and-release.

BACKGROUND: The Chena River grayling stock provides a valuable, highly accessible, high-use fishery. The fishery has been restricted to catch-and-release since 1992 due to effort levels and perceived overharvest. This restriction was the final action in a series beginning in 1987 that were enacted in response to declining grayling abundance and size. The most recent abundance estimate of Arctic grayling in the Chena River was ~28,000 fish in 1998. Allowing a moderate harvest at this time (~800-1,000 fish) will likely result in changes to the population size structure. This change would be considered deleterious to the fishery by some anglers.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal. The likely small amount of harvest afforded by this proposal would also result in more complicated regulations.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this grayling fishery.

KUSKOKWIM AND GOODNEWS DRAINAGES

PROPOSAL 110, PAGE 114, 5 AAC 70.022(e). Waters; seasons; bag, possession and size limits, and 5 AAC 70.023. Special provisions for methods and means.

Amend the existing wild rainbow trout regulations to provide consistency with the Statewide Wild Trout Fishery Management Plan, as follows:

During the March 2003 board meeting the board adopted a Statewide Wild Trout Fishery Management Plan. This plan provides a conservative background harvest limit of two trout per day, only one 20 inches or greater in length, with an annual limit of two trout 20 inches or greater in length. This proposal provides an opportunity to review the AYK region's rainbow trout sport fishing regulations that are currently not governed by special management under the Southwest Rainbow Trout Management Plan.

WHAT WOULD THE PROPOSAL DO? It allows the Board to decide if they want the existing rainbow trout regulations for the Kasigluk, Arolik and the lower sections of the Kisaralik and Kwethluk Rivers to be retained or to modify the regulations to conform to the new statewide trout regulations.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(e)(12)(B)(vi), (H)(vi), (I)(vii), and (J)(vi). In the Arolik River the rainbow trout bag and possession limit is 2 fish, only 1 over 20 inches in length, with no annual limit. Regulations governing the Kasigluk and Kwethluk Rivers and the segment of the Kisaralik River that is downstream of the special management area, have a bag and possession limit of 1 fish, less than 14 inches in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The new statewide background regulation, would, if adopted, impose an annual limit of 2 rainbow trout greater than 20 inches to the Kuskokwim area background regulations.

BACKGROUND: Rainbow trout stocks that inhabit the Kuskokwim River area are at their northernmost distribution and the populations are small in size. The fish grow slowly and mature at an older age. The rainbow trout stocks which inhabit Kuskokwim Bay streams are considered "world class" with high catch rates and are capable of producing trout that exceed 25 inches. The largest rainbow trout fishery in the area is the Kanektok River with catch rates rivaling those of the premier rainbow trout fisheries of Bristol Bay and the upper Kenai River.

During the February 1990 BOF meeting, the Board adopted regulations implementing a comprehensive management plan for rainbow trout in Southwest Alaska (5 AAC 75.013). The plan provides guidance in the form of policy that gives the Board and the public clear understanding of the underlying principles by which rainbow stocks are to be managed and provides guidance to the board in developing future regulations.

In 1998, the entire Kanektok and Goodnews Rivers drainages were restricted to unbaited single-hook artificial lures. Upper sections of the Kisaralik, Kwethluk and entire length of the Kasigluk rivers were recognized as special rainbow trout waters with the same gear restrictions. Additionally in the Kanektok River, catch-and-release fishing for rainbow trout was enacted during June 8 through October 31. From November 1 through June 7 the bag and possession limit is 2 rainbow trout, only one over 20 inches.

During the January 2001 BOF meeting the Aniak River subsistence and sport fishing regulations were relaxed from catch and release to aggregate bag limits, but rainbow trout remained catch-and-release in the Aniak for both user groups. Additional regulations were enacted to protect lower Kuskokwim rainbow trout stocks. Catch and release regulations are in effect for the entire Aniak River drainage sport fishery and gear restrictions remain in effect upstream of Doestock Creek. The harvest strategy for the sport fisheries in the Kasigluk and Kwethluk rivers became more conservative by allowing the harvest of one rainbow trout less than 14 inches to protect the spawning population. This harvest strategy was applied to the downstream section below the Akiak Lodge site on the Kisaralik River to provide consistent rainbow trout regulations for the area.

Lower Kuskokwim rainbow trout harvests have declined to such low levels that it is difficult to measure these small harvests with any certainty using the statewide harvest survey. Effort and catch in the Kanektok and Goodnews have been stable during the last few years.

DEPARTMENT COMMENTS: This is a department proposal submitted at the request of the Board. The department recommends that the current Rainbow Trout regulations for these three drainages be modified to conform to the Statewide Wild Trout Fishery Management Plan.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate in area fisheries.

PROPOSALS 102 & 118, PAGES 98 & 121 5 AAC 70.023(d). Special provisions for methods and means. Amend these regulations for the Kanektok, Arolik and Goodnews rivers as follows:

Designate all flowing waters as single hook waters. During the king salmon season from May 1 through July 25 allow a hook gap of $\frac{3}{4}$ inch.

Designate all flowing waters of the Arolik River as fly fishing only waters.

Require sport anglers to pinch the barbs or use barbless hooks in all flowing waters.

Require sport anglers to use knotless mesh landing nets.

Any fish removed from the water becomes part of the daily bag limit.

WHAT WOULD THE PROPOSAL DO? This proposal would require sport anglers to use barbless hooks while fishing in the Kanektok and Goodnews Rivers, and designate the Goodnews, Kanektok and Arolik Rivers as fly fishing waters only (5 AAC 75.023 and 5 AAC 75.024 would apply) which in effect would impose hook size restrictions. This regulation change would allow for a $\frac{3}{4}$ inch hook gap for these drainages during the king salmon season (May 1- July 25). Additionally, it would require anglers to use knotless mesh landing nets and require that any fish removed from the water becomes part of the daily bag limit.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.023(d)(2-3)(A). In the Kanektok River drainage, only unbaited single-hook, artificial lures may be used; In the Goodnews River drainage, only unbaited single-hook, artificial lures may be used. There are currently no special provisions for methods and means in the Arolik River drainage.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Requiring barbless hooks would reduce efficiency to some unmeasurable degree in the sport fisheries of the Kanektok, Arolik and Goodnews Rivers. Requiring the use of knotless mesh landing nets may reduce scale loss during the landing process. Keeping a fish in the water unless the angler intends on harvesting the fish may decrease delayed mortality.

BACKGROUND: Current sport fishing regulations are designed to allow anglers to participate in both the salmon and resident species fisheries. They also provide protection to resident fish stocks by allowing unbaited, single-hook artificial lures. This gear allows anglers to use conventional fishing gear depending on angler's desire to target either salmon or resident species without adversely affecting spin or fly fishermen. These regulations were developed under the Southwest Rainbow Trout Management Plan (SRTMP).

The Arolik River has not been included in SRTMP because it doesn't meet some of the criteria of the plan. Specifically, there has been little local support to establish the Arolik under special rainbow trout management. Legal access is very limited; the entire watershed has been selected as Native Corporation lands and is under legal dispute between the Federal and State of Alaska governments based on stream navigability. If this proposal were adopted, the close proximity of the Arolik, Kanektok and Goodnews Rivers would not provide for diversity of special management alternatives within the Kuskokwim Bay rainbow trout fisheries.

The fisheries literature does not demonstrate any decrease in mortality by requiring barbless hooks or knotless mesh landing nets or not allowing anglers to remove the fish from the water. Regulations for both bag limits and methods and means (for both salmon and resident species) for all three of the rivers under consideration in this proposal are already some of the most restrictive in the state.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Current regulations already require unbaited, single hook, artificial lures only in the Kanektok and Goodnews drainages. There is no biological or conservation concern for the fishery resources of the Arolik, Kanektok, and Goodnews Rivers. There are no research findings that indicate barbless hooks cause less mortality than barbed hooks. Many of the suggested regulation changes within this proposal have unmeasurable conservation benefits. These regulations if adopted would further complicate the existing regulations.

COST ANALYSIS: Sport anglers and those that provide services to the sport fishery would be required to purchase barbless hooks, and purchase landing nets with knotless mesh.

PROPOSAL 103, PAGE 104, 5 AAC 70.023. Special provisions for methods and means. Amend this regulation as follows:

The upper portions of the Goodnews and Kanektok Rivers located within the Togiak National Wildlife Refuge are designated as fly fishing only waters with a maximum hook size of 3/8 inch between point and shank.

WHAT WOULD THE PROPOSAL DO? This proposal would convert approximately the upper 26 and 28 miles respectively of the Middle and North fork portions of the Goodnews river and the upper 65 miles of the Kanektok river to fly fishing only with a maximum hook size of 3/8 inch, point to shank. This proposal would place these waters under the gear requirements of 5 AAC 75.024.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.023(d)(2-3)(A). In the Goodnews River drainage, only unbaited single-hook, artificial lures may be used. In the Kanektok River drainage, only unbaited, single-hook, artificial lures may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Angler success (the ability to land a hooked fish) would decrease with no direct biological benefit. The existing regulations (which are complex) would become more complicated; different reaches of the same river would have different gear restrictions further confusing and potentially dissuading anglers from fishing these locations.

BACKGROUND: Current sport fishing regulations are designed to allow anglers to participate in both the salmon and resident species fisheries and provide protection to resident fish stocks by only allowing unbaited, single-hook artificial lures and including restrictive bag and length limits. These regulations allow anglers to use a variety of fishing gear depending on an angler's desire to target either salmon or resident species without adversely affecting spin or fly fishermen. These regulations were developed under the Southwest Rainbow Trout Management Plan (SRTMP).

Under the SRTMP there are two criteria that are in conflict with this proposal; a clear geographic boundary for the proposed fly fishing area, and impact to the local economy by removing the ability of anglers to use conventional spinning gear. Additionally, the uncertainty of local support needs to be considered.

The estimated harvest of rainbow trout in both the Kanektok and Goodnews Rivers by sport anglers for the last three consecutive years has been zero. This is a clear indication that more restrictive regulations to protect resident fish species are unwarranted. The 2002 estimated harvest of Dolly Varden/Arctic char approach 500 fish, and the harvest of Arctic grayling is less than 100 fish in both the Kanektok and Goodnews Rivers combined. Catches of rainbow trout, DV/AC and grayling in the Kanektok and Goodnews have been stable over the past few years.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. There is no biological or conservation concern for the fishery resources of the Goodnews or Kanektok rivers. There is no obvious or direct benefit to complicating the existing regulations with the proposed changes.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

PROPOSAL 106, PAGE 108, 5 AAC 70.022(e). Waters; seasons, bag, possession, and size limits; and 5 AAC 70.023(d). Special provisions for methods and means. Amend these regulations in the Kanektok River drainage as follows:

Close all waters to sport fishing from the mouth of the Kanektok River to the upstream end of the old Quinhagak Airport: GPS Coordinates: N 59° 45.691' W 161° 52.254'

WHAT WOULD THE PROPOSAL DO? This would eliminate sport fishing in approximately the lower 2 miles of the Kanektok River.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(e)(12)(D)(i-xi) There is currently no sport fishing closure in the lower two miles of the Kanektok River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Sport fishing would be prohibited in approximately the lower two miles of the Kanektok River.

BACKGROUND: Angler effort in the Kanektok River sport fishery has averaged 7,400 angler days from 2000-2002. The harvest has averaged about 500 fish and the catch about 6,500 king salmon annually. The escapement of king salmon into this drainage has varied considerably with high water events precluding obtaining accurate counts in some years. The 2003 escapement count was approximately 5,400 king salmon.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is allocative. There are no biological or conservation concerns for either the resident species or salmon resources within the Kanektok River drainage.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

Note: Proposal 104 has been split into Proposal 104A (Resident Species, 5 AAC 70.022(e)(G) and 5 AAC 70.023(d)(1)), and Proposal 104B (Salmon, under the Kuskokwim Salmon Rebuilding Management Plan, 5 AAC 07.365 (10)(2)), which appears under Committee D.

PROPOSAL 104A, PAGE 106, 5 AAC 70.022(e)(12)(G)(i-x). Waters; seasons; bag, possession, and size limits; AND 5 AAC 70.023(d)(1). Special provisions for methods and means. Amend these regulations in the Aniak River drainage to provide the following:

Revert the Aniak River resident species regulations back to the background regulations for the Kuskokwim River drainage.

WHAT WOULD THE PROPOSAL DO? This proposal would align the Aniak River resident species sport fishing regulations with the background regulations within the Kuskokwim drainage.

Bag and possession limits for resident species would be as follows:

Arctic char/Dolly Varden	10 per day, only 2 over 20 inches
Lake trout	4 per day, no size limit
Rainbow trout	2 per day, only 1 over 20 inches
Arctic grayling	10 per day, no size limit.
Sheefish	10 per day, no size limit
Northern pike	10 per day, no size limit
Burbot	15 per day, no size limit.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(e)(G)(iv-x) and 5 AAC 70.023(d)(1). The sport fish regulations for resident species allows an aggregate bag limit of 3 fish of which only one may be an Arctic char/Dolly Varden, lake trout, Arctic grayling, sheefish, northern pike or burbot.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Resident species regulations for the Aniak River would revert to the less conservative Kuskokwim Area background regulations.

BACKGROUND. Current Aniak River regulations were adopted at the January 2001 AYK BOF meeting, and were related to local concerns over perceived increases in sport angling. These regulations are some of the most restrictive bag limits in any rural fishery in the state. The average harvest (2000-2002) of all resident species combined has been about 800 fish of which 650 fish have been Arctic grayling and Dolly Varden/Arctic char.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is allocative. It is the Department's view that surplus production for all resident species involved is available to provide for what might be a slight increase in harvest potential. Additionally, these changes would reduce the complexities of the existing Kuskokwim sport fishing regulations.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

MISCELLANEOUS

PROPOSAL 108, PAGE 112, 5 AAC 70.022 (a-c,e). Waters; seasons; bag, possession, and size limits. Amend these regulations as follows:

The bag and possession limit for lake trout and Arctic char/Dolly Varden in all lakes except those lakes in the Tanana Drainage is two fish, with no size limit.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the background sport fishery bag and possession limit for lake trout from four to two and combine this limit with the existing two fish limit for lake resident Arctic char/Dolly Varden for a combined bag limit of two fish. This regulation would apply to lakes in the North Slope, Northwest Alaska, Kuskokwim and Yukon portions of AYK.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(a-c) and (e). Lake trout: the bag and possession limit is four fish, with no size limit.

Arctic char and Dolly Varden: in all lakes: the bag and possession limit is two fish, with no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The sport limits for these two closely related lake resident species would be aligned and combined. In lakes where both species exist, the total bag limit would be reduced to two fish.

BACKGROUND: The current background daily bag limit for lake trout is four while the daily bag limit for lake resident Arctic char is two. The life history traits of lake trout (lake char) and lake resident Arctic char are very similar. Populations of these closely related species are characterized by slow growth, delayed maturity, long life, and low population densities. These traits along with the low productivity environment they inhabit make these fish very vulnerable to exploitation even under restrictive bag limits. In many lakes in northern Alaska these two species coexist. It is difficult for many anglers to discriminate between lake trout and lake resident Arctic char; both species are defined as char under 5 AAC 75.995(7). A single bag and possession limit for lake resident populations of both species is desired to provide consistent regulations and to remove the problem that occurs when anglers misidentify Arctic char and lake trout.

DEPARTMENT COMMENTS: This is a department proposal and we continue to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in area fisheries.

PROPOSAL 115, PAGE 119, 5 AAC 70.022(c). Waters; seasons; bag, possession, and size limits. Amend this regulation as follows:

The bag and possession limit for lake trout in Bray and Beaver Lakes is ten fish, only one greater than 20 inches.

WHAT WOULD THE PROPOSAL DO? This proposal would liberalize the current bag and possession limit for lake trout in Bray and Beaver Lakes.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022 (c)(4). the daily bag and possession limit is four fish, no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? It would increase the daily bag and possession limit from 4 to 10 fish and impose a size limit of only one fish greater than 20 inches.

BACKGROUND: Both Bray and Beaver lakes are accessible by plane during open water months and by plane and snowmachine during winter months. There has been little fishing pressure on these lakes. The life history of lake trout is characterized by slow growth, older age at sexual maturity, long lived, and low population densities. The low productivity environments these fish live in make them highly susceptible to over exploitation.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. Lake trout regulations have and are being crafted such that the region has consistent bag and possession limits throughout Interior Alaska. This proposal conflicts with the Department's management philosophy for this species.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in area fisheries.

PROPOSAL 119, 5 AAC 70.030(d). Methods, means and general provisions-finish. Amend this regulation as follows:

In the Tanana River drainage, any ice house not removed from the ice at the end of the day's fishing must have either current name and phone number, or Alaska ID in distinguishable characters or numbers not less than 12 inches in height.

WHAT WOULD THE PROPOSAL DO? It would do away with the current numbering and registration permit process and replace it with a requirement that an ice house owner display a name and phone number or personal ID number on the side of the fish house.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.030(d). In the Tanana River drainage, any ice house not removed from the ice at the end of the day's fishing must be registered and a permit secured annually from the Department. A registered icehouse must have the permit numbers displayed on the side and on its roof in distinguishable numbers not less than 12 inches in height.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would change the owner identification process for ice houses and eliminate the Department's authority and responsibility to require registration and issue permits for ice houses in the Tanana Drainage. No records pertaining to ice houses, including information regarding number in use, ownership, and water upon which they are in use would be available to ADF&G management and research staff unless staff personally visited each lake, including those in remote areas. In addition, elimination of the requirement that the I.D. be displayed on the roof would virtually eliminate the ability to safely document ownership of ice houses from an aircraft unless the aircraft landed near the ice house.

BACKGROUND: The current requirement for ice house registration in the Tanana Drainage has existed since 1969. In 2003 this regulation was expanded to include the Upper Copper-Upper Susitna regulatory area. Permits are issued to those with fishing licenses or permanent (over 60) hunting and fishing I.D.s. While it must be renewed annually, the ice house number remains the same across years unless it is not renewed for two consecutive years. In the Tanana River drainage, permits and numbers are issued from the Fairbanks and Delta Junction ADF&G offices.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The justification alludes to a difficulty with field identification of the owner of an ice house. This issue has likely been resolved with the development of a computerized registration system to which ADF&G and FWP personnel have unrestricted access. The issue of undocumented changing ownership would not be resolved by this proposal, since there is no requirement that the owner be present when the ice house is in use.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in area fisheries.

COMMITTEE B- YUKON AREA SALMON

SUBSISTENCE

PROPOSAL 150: Page 153. 5 AAC 01.248. The Toklat River Fall Chum Salmon Rebuilding Management Plan and 5 AAC 01.249. Yukon River Drainage Fall Chum Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to align the drainage-wide fall chum salmon escapement goal in the fall chum management plan with the established drainage-wide BEG, modify other harvest triggers in the Yukon River Drainage Fall Chum Salmon Management Plan, incorporate the Toklat River Fall Chum Salmon Rebuilding Management Plan into the Yukon River Drainage Fall Chum Salmon Management Plan, and replace the Toklat River OEG of 33,000 fall chum in regulation with direction to manage the Toklat River stock to achieve the established spawning escapement goal.

WHAT ARE THE CURRENT REGULATIONS? The current Yukon River Drainage Fall Chum Salmon Management Plan regulations provide incremental levels of harvest based on total inseason run size projections. The Toklat River Fall Chum Salmon Rebuilding Management Plan specifies a minimum escapement objective of 33,000 fall chum salmon and additional conservative management measures affecting subsistence, sport and commercial fishing to rebuild the Toklat fall chum salmon stock.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow subsistence fishing opportunities on a lower projected drainage-wide run size down to 300,000 fall chum, which is the lower end of the BEG. Reduce redundancy and simplify regulations by incorporating elements of the Toklat River Fall Chum Salmon Rebuilding Management Plan into the Yukon River Drainage Fall Chum Salmon Management Plan. The Toklat River fall chum stock would be managed for a more recently established BEG of 15,000 to 33,000.

BACKGROUND: The Yukon River fall chum salmon stock was designated as a stock of concern, specifically a yield concern and the Toklat River stock was designated as a management concern in September 2000.

The Yukon River Drainage Fall Chum Salmon Management Plan was adopted by the Board in 1994 and has been amended several times in the past ten years. The overall plan objective remains the same, “to ensure adequate escapement of fall chum salmon into the Yukon River drainages and to provide management guidelines to the department.” The main elements of the plan set a minimum threshold below which all harvest is closed to provide for a minimum level of drainage-wide escapement. Subsistence is provided a higher priority than other uses by allowing subsistence harvest on runs of lower abundance. Commercial, sport, and personal use fisheries are allowed on the projected harvestable surplus above escapement and subsistence needs.

In 1995, the Board amended the plan to allow some subsistence harvest below the established escapement goal of 400,000 fish. The Board allowed subsistence harvest on the surplus above 350,000 rather than forego all harvest to provide a higher level of escapement thought necessary to support a commercial fishery in the future. The plan has been amended several times by establishing intermediate threshold levels of escapement and harvest.

In 1993, Yukon River Drainage Fisheries Association (YRDFA) assisted in development of the Toklat River Fall Chum Salmon Rebuilding Management Plan which was adopted by the Board in response to a long series of poor fall chum salmon escapements in the Toklat River. The Toklat River escapement goal of 33,000 fall chum salmon was established by the department in 1986 and was the basis for structuring the initial 1993 rebuilding plan regulation. With the increased years of spawner-recruit data, the most recent analysis resulted in a BEG of 15,000 to 33,000 fall chum salmon. However, the BOF took no action in 2001 concerning the Toklat River Management Plan and the OEG of 33,000 remained. Management has successfully attained the OEG only 4 times in the last 20 years indicating it may be too high, and the OEG has limited management options when harvestable surpluses were available in other areas. The result has been lost subsistence fishing opportunity.

DEPARTMENT COMMENTS: The department **SUPPORTS** the concept of this proposal. Utilizing the recently established BEGs within the Yukon River Drainage Fall Chum Salmon Management Plan is appropriate for conservative management as well as to provide for the subsistence priority. The plan represents a significant drainage-wide cooperative effort to recognize new information and compromise on allocation of the shared resource. The plan would continue to provide conservative management. In addition, the plan would simplify existing regulations by integrating elements of the Toklat plan into the fall chum plan, which would reduce redundancy and group together fall chum salmon related regulations. Draft regulatory language has been submitted as an Action in the *Yukon River Fall Chum Salmon Stock Status and Action Plan*, December 2003 report.

COST ANALYSIS: The department believes that approval of this proposal would not require an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? Some of the salmon stock migrates through the Fairbanks Non-subsistence Area (primarily Subdistrict 6-C).
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? The Board has determined that 89,500 to 167,100 fall chum salmon are reasonably necessary for subsistence in the Yukon River.
5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? During 2000-2002, it was necessary to eliminate other uses and reduce subsistence uses.

PROPOSAL 151: Page 154. 5 AAC 01.248. The Toklat River Fall Chum Salmon Rebuilding Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to change the Toklat River escapement goal from the current OEG of 33,000 fall chum to the established BEG range of 15,000 to 33,000 fish.

WHAT ARE THE CURRENT REGULATIONS? The Toklat River Fall Chum Salmon Rebuilding Management Plan specifies in regulation a minimum escapement objective of 33,000 fall chum salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be an increase in harvest opportunity on all Tanana River fall chum salmon stocks due to changing the Toklat escapement goal.

BACKGROUND: In the spring of 1990, the Board of Fisheries responded to a long series of fall chum salmon escapements below established goals in the Toklat River by: 1) closing the Toklat River and the Kantishna River below the confluence of the Toklat River to subsistence fishing from August 15 to December 31, and 2) limiting Subdistrict 6-A to one 24-hour commercial fishing period per week during the fall season. In 1992 the Board lifted the subsistence closure and allowed fishing with live box equipped fish wheels and chum salmon had to be released alive. In 1993, YRDFA assisted in development of the Toklat River Fall Chum Salmon Rebuilding Plan, which was adopted by the Board of Fisheries. In 1997 the Board of Fisheries amended the plan to ease some of the restrictions for the 1998 and 1999 seasons.

The escapement goal of 33,000 fall chum salmon for the Toklat River spawning area was established by the department in 1986 and was the basis for structuring the initial 1993 rebuilding plan. The Board adopted this goal as an OEG. However, in 2001 the department established a new BEG of 15,000 to 33,000 fall chum salmon. The BEG analysis utilized an additional 14 years worth of new data collected since 1986. Based on the recent BEG analysis, the department recommended removal of the Toklat River fall

chum salmon stock as a management concern at the Board work session in September 2003.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. In addition, the department would like the Board to consider repealing the Toklat plan and incorporating specific elements into the Yukon River Drainage Fall Chum Salmon Management Plan as suggested in Proposal 150. Draft regulatory language has been submitted as an Action in the *Yukon River Fall Chum Salmon Stock Status and Action Plan*, December 2003 report.

Replacing the Toklat River OEG with the direction to manage for the established BEG would be appropriate to provide for biological needs. Salmon production will not be effected by this action because management would be based on the established BEG. It would also provide for more subsistence fishing opportunity. Significantly more information has been gathered and better assessment tools have been developed. The department now operates mark-recapture tagging projects that estimate fall chum salmon run abundance to the upper Tanana River and the Kantishna River that can be used for inseason management.

COST ANALYSIS: The department does not believe that approval of this proposal would require an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for fall chum salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined that 89,500 to 167,100 fall chum salmon are necessary for subsistence in the Yukon River.
5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? During 2000-2002, it was necessary to eliminate other uses and reduce subsistence uses.

PROPOSAL 132: Page 135. 5 AAC 01.210(b). Fishing seasons and periods; 5 AAC 05.360(d) and (e). Yukon River King Salmon Management Plan; 5 AAC 07.310 Fishing Seasons; 5 AAC 07.320 Fishing Periods, and 5 AAC 07.365 Kuskokwim River Salmon Rebuilding Management Plan.

WHAT WOULD THE PROPOSAL DO? Clarify the Board’s intent regarding implementation of the subsistence fishing schedule on the Yukon River.

WHAT ARE THE CURRENT REGULATIONS? A subsistence fishing schedule is established for each district or subdistrict as follows:

Coastal District	24 hours per day 7 days per week
District 1	Two 36-hour periods per week
District 2	Two 36-hour periods per week
District 3	Two 36-hour periods per week
District 4	Two 48-hour periods per week
District 5-A	Two 42-hour periods per week
Subdistrict 5-B &C	Two 48 hour periods per week
Subdistrict 5-D	24 hours per day 7 days a week
District 6	Two 42-hour periods per week

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal intends that the subsistence fishing schedule stay in place regardless of abundance or commercial fishing opportunity.

BACKGROUND: In response to the determination of Yukon River chinook, summer chum and fall chum salmon as stocks of concern, the Board of Fisheries in 2001 adopted a subsistence fishing schedule for the Yukon River, which was designed to provide reasonable opportunity to subsistence users while alternating with windows of time when no fishing was allowed. The schedule is based on current or past fishing schedules. The intent of the schedule is to reduce harvest impacts on any particular component of the run and spread subsistence fishing opportunity among users during years of low salmon runs. The conservation goal of the subsistence fishing schedules is primarily accomplished during the early portion of the salmon runs. If run abundance is not sufficient to allow for other uses, the subsistence schedule remains in effect and may be reduced if necessary for conservation.

The department expected to be able to relax the schedule if there are indications of a surplus beyond escapement and subsistence needs for a given species. In 2002, there was a small surplus of chinook salmon available for commercial harvest. However, it was discovered that the existing regulatory language was ambiguous as to how the schedule would be implemented once a commercial fishery took place. The department received clarification from the Board through a staff agenda change request (ACR) during the March 2003 Board meeting, which provided for discontinuing the schedule and reverting to pre-2001 subsistence fishing period regulations when there was a surplus of fish

greater than needed for escapement and subsistence. The current language is as follows under 5 AAC 05.360. Yukon River King Salmon Management Plan: (e) if inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery in that district or subdistrict, subsistence fishing shall revert to the fishing periods as specified in 5AAC 01.210 (c) – (h).

DEPARTMENT COMMENTS: The department is unclear about the intent of this proposal. The department **OPPOSES** confining management to an inflexible schedule. The board spent a considerable amount of time addressing the subsistence fishing schedule during the January 2001 Board meeting and addressed this same issue again in March 2003. Managers rely on flexibility to respond inseason to the run strength of each species. This was especially true in 2003 when a larger than expected king salmon return occurred. Remaining on the subsistence fishing schedule would have limited opportunity to subsistence fishers when limitations were not necessary. If the request is to have concurrent subsistence and commercial fishing periods in Districts 1, 2, 3, and 4A, there may be conflict between the two user groups and certainly enforcement of regulations prohibiting sale of subsistence caught salmon will be extremely difficult.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 152: Page 155. 5 AAC 05.360(e). Yukon River King Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal requests changing the language that defines when the subsistence fishing schedule can be relaxed from being related to a commercial surplus, to being related to a surplus abundance above that necessary to provide for escapement and subsistence uses.

WHAT ARE THE CURRENT REGULATIONS? The current language is 5 AAC 05.360. Yukon River King Salmon Management Plan (e) if inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery in that district or subdistrict, subsistence fishing shall revert to the fishing periods as specified in 5AAC 01.210 (c) – (h).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Because the department does not open commercial fishing until it is anticipated that escapement goals will be achieved and subsistence opportunity will be provided for, the change in the proposed language would not affect how fisheries are managed.

BACKGROUND: In response to the determination of Yukon River chinook, summer chum and fall chum salmon as stocks of concern, the Board of Fisheries adopted a subsistence fishing schedule for the Yukon River, which was designed to provide reasonable opportunity to subsistence users while alternating with windows of time when no fishing was allowed. The intent of the schedule is to reduce harvest impacts on any particular component of the run and spread subsistence fishing opportunity among users during years of low salmon runs.

Under present regulations, the department may discontinue the schedule and revert to pre-2001 subsistence fishing period regulations when there is a sufficient abundance to allow commercial fishing. If commercial fishing occurs, or there is a commercially harvestable surplus but there is no commercial fish buyer, the subsistence fishing schedule may be relaxed to provide subsistence fishers opportunity that was allowed under the subsistence fishing regulations in effect prior to adopting the subsistence fishing schedule in 2001.

DEPARTMENT COMMENTS: The department is **NUETRAL** on this proposal. Management priorities are to achieve escapement goals and provide for subsistence uses before allowing other uses. Therefore, the proposed language change has the same meaning as the current language. However, the proposed language takes out the reference to commercial fishery.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 153: Page 156. 5 AAC 01.210. Fishing seasons and periods.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to develop new management plans for lower, middle and upper sections of the river that would be the basis of salmon allocation for the entire Yukon River.

WHAT ARE THE CURRENT REGULATIONS? Management plans have been developed for each species in the Yukon River.

5 AAC 01.248. TOKLAT RIVER FALL CHUM SALMON REBUILDING MANAGEMENT PLAN.

5 AAC 01.249. YUKON RIVER DRAINAGE FALL CHUM SALMON MANAGEMENT PLAN.

5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN.

5 AAC 05.362. YUKON RIVER SUMMER CHUM SALMON MANAGEMENT PLAN; FISHERMAN REPORTING REQUIREMENTS.

5 AAC 05.367. TANANA RIVER SALMON MANAGEMENT PLAN.

5AAC 05.368. ANVIK RIVER CHUM SALMON FISHERY MANAGEMENT PLAN.

5 AAC 05.360. YUKON COHO SALMON MANAGEMENT PLAN.
5 AAC 01.236 CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF
FISH STOCKS AND AMOUNTS NECESSARY FOR SUBSISTENCE USES.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Management plans would be developed for lower, middle and upper sections of the river that would direct the multiple use salmon fisheries to be managed for subsistence guideline harvest levels in each of the three areas. Plan development may result in a reallocation among subsistence users and it may change the portion of the harvestable surplus made available to the various user groups throughout the drainage.

BACKGROUND: Yukon River salmon stocks are considered fully allocated. A trend of poor salmon production has resulted in exceptionally low returns of salmon since 1998. The Board determined several Yukon salmon stocks to be stocks of concern and the department developed action plans during the winter 2000/2001. The Board modified and adopted these management plans. A major focus of the January 2001 AYK Board of Fisheries meeting was to assure protection of the depressed salmon stocks and to allocate use of the salmon resource. The most significant regulation adopted at that meeting was the subsistence fishing schedule which specified amounts of fishing time for various portions of the river based on harvest efficiency and available salmon stocks in order to provide for escapement and spread out subsistence opportunity.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal because no specific changes to existing management plans are provided. The department suggests that existing management plans be utilized to address management issues, because multiple plans along the river would be extremely complex and difficult to follow. In a mixed stock, multi-species situation such as the Yukon River, it is extremely difficult to evenly distribute subsistence opportunity along the entire river during a poor run with varying strength of individual stocks. Since the windows schedule has been implemented for the Yukon River, management has been more conservative and the issue of spreading subsistence opportunity is being addressed.

COST ANALYSIS: Unknown due to lack of specific actions to review.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? Subdistrict 6-C is designated a non-subsistence area.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 154: Page 157. 5 AAC 01.210(b) Fishing Seasons and Periods.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the subsistence salmon fishing schedule in Districts 1, 2, and 3 from two 36-hour periods per week to two 18-hour fishing periods per week. In addition, all fishing for salmon, commercial or subsistence, would occur within the two 18-hour fishing periods per week.

WHAT ARE THE CURRENT REGULATIONS? The subsistence salmon fishing schedule in Districts 1, 2, and 3 consists of two 36-hour periods per week implemented by emergency order. After opening the commercial fishing season through July 15, salmon may not be taken for subsistence 18 hours before, during, or 12 hours after each commercial salmon fishing period.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The subsistence salmon fishing schedule in Yukon River Districts 1, 2, and 3, which was based on historical fishing time, would be reduced to 50%. Opportunity for fishers to harvest their needs may be hindered due to less fishing time and the impact of weather on putting up fish. Commercial fishing would also occur concurrently with subsistence salmon fishing periods, creating possible conflict between two user groups and enforcement difficulties.

BACKGROUND: Prior to 2001, subsistence fishing for salmon in Districts 1, 2, and 3 was allowed 24-hours a day seven days per week prior to the commercial fishing season. During the commercial fishing season, subsistence fishing is closed 18 hours before, during, and 12 hours after each commercial fishing period. In January 2001, the Board adopted a subsistence salmon fishing schedule on the Yukon River as part of action plans to address summer chum, fall chum, and chinook salmon stocks of concern. The goal of the schedule is to provide windows of time during which salmon migrate upriver unexploited. The schedule spreads the harvest out to reduce the impact on any particular

component of the run and spread subsistence harvest opportunity among users. The schedule is based on current or past fishing schedules and should provide reasonable opportunity for subsistence users to meet their needs during years of normal to below average runs.

DEPARTMENT COMMENTS: The department **OPPOSES** confining management to an inflexible schedule. The department understands the frustration of fishers not being able to harvest enough salmon. Because of poor runs of 1998-2000, subsistence fishers throughout the drainage have had difficulties in harvesting their needs for certain species. However, the Board spent a considerable amount of time addressing the subsistence fishing schedule during the 2001 Board meeting and addressed this same issue again in March 2003. Based upon the past three years management, the department does not see the need for reducing the subsistence schedule as proposed. Restricting subsistence and commercial fishing to two 18-hour periods per week would complicate management and limit flexibility to schedule fishing time to coincide with abundance. This was especially true in 2003 when a larger than expected chinook salmon run occurred. Staying on the subsistence fishing schedule would have limited opportunity to subsistence fishers when limitations were not necessary.

The department opposes concurrent subsistence and commercial fishing periods in the Lower Yukon Area. If subsistence and commercial fishing periods are concurrent, there may be conflict between the two user groups and certainly enforcement of regulations prohibiting sale of subsistence caught salmon will be extremely difficult. The Federal Subsistence Board rejected a similar federal proposal (FP04-09) at their December 2003 meeting.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In some recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 155: Page 158. 5 AAC 01.210(b) Fishing Seasons and Periods.

WHAT WOULD THE PROPOSAL DO? The main objective of this proposal is to revise the fishing schedule to provide subsistence fishing time on the weekends for fishers that work. In addition, this proposal would establish a start date for the schedule in Districts 3 and 4.

WHAT ARE THE CURRENT REGULATIONS? In Districts 3 and 4, the subsistence fishing schedule is implemented by emergency order. The present subsistence fishing schedule has allowed fishing on weekdays. Fishing periods are in regulation for Subdistricts 4-B and 4-C and for fishing for king salmon with drift gill nets in Subdistrict 4-A; salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday. In District 3 and Subdistrict 4-A, subsistence and commercial periods are separated. In Subdistricts 4-B and 4-C, if commercial fishing time is warranted, it is concurrent with subsistence fishing periods.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Subsistence fishers, including those that work, will have fishing opportunities on the weekend.

BACKGROUND: Days of the week open to subsistence fishing time has varied over the years in District 3. The drift gillnet schedule for chinook salmon subsistence fishing in Subdistrict 4-A has been in place since 1980. The regulatory schedule in Subdistricts 4-B and 4-C has been in place since at least the mid-1970s. Generally, there has been no comment from residents of these two districts about being unable to meet their needs with the existing schedule. Although commercial fishing has been very limited in recent years, buyers typically did not want weekend openings, because of airline scheduling problems.

DEPARTMENT COMMENTS: The department **OPPOSES** establishing start dates for the subsistence fishing schedule in regulation. Establishment of the schedule is based to some extent on ice breakup and the timing of salmon migrations and the actual start date changes from year to year. The department is **Neutral** on changing fishing times to allow fishing on weekends. However, most of the weekly fishing times have been in place for many years. The proposed weekend fishing time may offer more opportunity to a larger segment of subsistence fishers (weekenders, seasonal construction crews etc.) and may

increase catch in the subdistricts, which could have implications on the allocation the resource.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 156: Page 158. 5 AAC 01.210(b). Fishing seasons and periods; and 5 AAC 05.367 Tanana River Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to increase the subsistence salmon fishing schedule in Subdistrict 5-A and Subdistricts 6-A and 6-B (excluding the “Old Minto Area”) from two 42-hour periods per week to two 48-hour periods per week.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.210(b) FISHING SEASONS AND PERIODS specify that subsistence salmon fishing periods in Subdistrict 5-A and District 6 shall be two 42-hour periods per week and 5 AAC 05.367 TANANA RIVER SALMON MANAGEMENT PLAN specifies the day and times when subsistence salmon fishing shall be open each week in Subdistricts 6-A and 6-B.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would increase subsistence fishing time in Subdistricts 5-A, 6-A and 6-B. The current 42-hour subsistence salmon fishing schedule in Subdistricts 6-A and 6-B would revert back to the pre-1988 schedule and current schedule in Subdistrict 5-A would revert to the pre-2001 schedule of two 48-hour periods per week. Commercial salmon fishing is concurrent with subsistence fishing when a commercially harvestable surplus exists.

BACKGROUND: In the spring of 1988, Board of Fisheries met in special session to take public and staff testimony on proposed salmon management practices on the Tanana River (District 6) in an effort to better control the local fishery. During this special session the Board adopted the Tanana River Salmon Management Plan which adopted regulations to: 1) Reduce allowable commercial and subsistence fishing time from two 48-hour periods per week to two 42-hour periods per week, except in the “Old Minto Area” which remained unchanged; 2) Specify that no more than one 42-hour commercial fishing period per week during the fall season. 3) Minimized abuse in the subsistence fishery by requiring subsistence fishing permits, catch limits, and inseason reporting requirements; and 4) Expand the rights of inspection of processing plants by enforcement personnel. The Board further instructed the staff to manage the fishery on the basis of existing GHRs, indicating that these GHRs are to be exceeded only if it can be determined that doing so would not jeopardize meeting subsistence and escapement requirements.

Subdistrict 5-A is located on the south bank of the Yukon River mainstem just below the confluence of the Tanana River. It is believed that the majority of the salmon passing through Subdistrict 5-A are bound for the Tanana River. In the winter 1998/1999 the Board amended the Tanana River Salmon Management Plan to include Subdistrict 5-A because most salmon harvested in the subdistrict are likely bound for the Tanana River. The Subdistrict 5-A fishing schedule of two 48-hour periods per week was unchanged. Board action in January 2001 establishing a new subsistence fishing schedule along the Yukon River reduced fishing period length in Subdistrict 5-A to two 42-hour periods. Subdistrict 5-B remained on the two 48-hour periods per week schedule. Currently, fishing is allowed on a schedule of two 48-hour periods on one side of the Yukon River in Subdistrict 5-B and for two 42-hour periods on the opposite bank of the Yukon River in Subdistrict 5-A.

DEPARTMENT COMMENTS: The department **SUPPORTS** the request for returning Subdistrict 5-A to its pre-2001 two 48-hour periods per week schedule, but **OPPOSES** changing the subsistence fishing schedule in District 6. In a complex fishery in a huge drainage such as the Yukon River it is appropriate to attempt to maintain traditional fishing schedules as much as practical. The traditional fishing schedule in Subdistrict 5-A and Subdistrict 5-B should be the same. However, District 6 has road access and the two 42-hour periods per week are appropriate in an area that may receive increased fishing effort. The schedule in Subdistricts 6-A and 6-B has been in place since 1988 and has provided subsistence fishing opportunity and works well for commercial fishing periods, which are concurrent in this district.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Are these stocks in a non-subsistence area? Subdistrict 6-C is within the Fairbanks Non-subsistence area.
2. Are these stocks customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of these stocks be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 157: Page 159. 5 AAC 01.210. Fishing seasons and periods; and 5 AAC 05.367 Tanana River Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to allow a seven day a week 24-hour per day subsistence schedule in the Tanana River (District 6) after October 1 provided an adequate harvestable surplus of salmon is available.

WHAT ARE THE CURRENT REGULATIONS? In District 6, the subsistence salmon fishing schedule is currently two 42-hour periods per week with the exception of the old Minto area, which is five days per week through December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Subsistence salmon fishing would be open seven days a week 24 hours per day after October 1 if there is a harvestable surplus.

BACKGROUND: In 1974, the Tanana River began a 5-day per week fishing schedule for both commercial and subsistence. In 1979, Tanana River fishing time was reduced to two 48-hour periods, except for the “Old Minto Area” which remained on 5-days per week because it was an area with lower fishing efficiency. In 1988 the Tanana River Salmon Management Plan was first implemented and fishing time in the Tanana was further reduced to two 42-hour periods per week, but again excluded the “Old Minto Area” because of its inefficiency.

The current fishing schedule does not end by regulation. However, fall chum and coho salmon runs are past their peak by late September, and other species such as large white fish and sheefish are running late in the season and are sought after by subsistence fishermen.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Typically, late in the season, icing conditions can be quite variable making subsistence fishing opportunistic and dependent upon weather conditions. Furthermore, the addition of mark-recapture tagging projects on both the upper Tanana River and the Kantishna River have increased the department’s ability to assess salmon runs inseason. The department would continue to manage salmon runs for escapement using its authority to regulate fishing time and area. Although the proposal does not clearly state it, this additional fishing time would increase the opportunity to harvest both salmon and non-salmon species.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? Subdistrict 6-C is within the Fairbanks Non-subsistence area.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 158: Page 159. 5 AAC 01.210 Fishing seasons and periods.

WHAT WOULD THE PROPOSAL DO? This proposal would allow Alaska Natives to fish at their discretion throughout the year, regardless of schedules or other management measures in the Yukon Delta. It is assumed this is directed at Districts 1-3.

WHAT ARE THE CURRENT REGULATIONS? The subsistence salmon fishing schedules in Districts 1, 2, and 3 consist of two 36-hour periods per week implemented by emergency order. After opening the commercial fishing season through July 15, salmon may not be taken for subsistence 18 hours before, during, and 12 hours after each commercial salmon fishing period. After July 15, salmon may not be taken for subsistence 12 hours before, during, and 12 hours after each commercial salmon fishing period. Subsistence fishing is also closed 24 hours before the opening of the commercial season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Subsistence fishing would be allowed by a majority of Yukon River fishers seven days per week year round.

BACKGROUND: Prior to the 2001 Board of Fisheries meeting, subsistence fishing for salmon in Districts 1, 2, and 3 was allowed 24-hours a day seven days per week prior to the opening of the commercial fishing season. In January 2001, the Board adopted subsistence salmon fishing schedules on the Yukon River as part of action plans to address summer chum and fall chum, and chinook salmon stocks of concern. This schedule was supported by many fishers in response to the poor runs in 1998, 1999 and 2000. The goal of the schedule is to provide windows of time during which salmon migrate upriver unexploited. The schedule spreads the harvest throughout the run to reduce the impact on any particular component of the run, and spreads subsistence harvest opportunity among users. The schedule is based on current or past fishing schedules and should provide reasonable opportunity for subsistence users to meet their needs during years of normal to below average runs. During the commercial fishing season there are subsistence fishing closures around commercial openings in order to enforce regulations prohibiting the sale of subsistence caught salmon.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The state constitution prohibits enactment of laws and regulations based on race as this proposal requests. The subsistence fishing schedule and other regulations adopted by the Board are

necessary for managing Yukon River salmon fisheries. It is necessary to spread the subsistence harvest out and allow periods of time when no fishing is allowed during the salmon runs. The first management priority is for escapement. Among beneficial uses, subsistence has the highest priority, which is provided for under regulations.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In some recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 159: Page 160. 5 AAC 01.220. Lawful gear and gear specifications.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of gillnets with mesh size larger than three inches in the Birch Creek drainage.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.220(f)(7). in Birch Creek, gillnet mesh size may not exceed three inches.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Subsistence fishers would be allowed to target larger sized fish in Birch Creek, which would likely increase the harvest of both large non-salmon and salmon species.

BACKGROUND: The subsistence closure for Birch Creek was removed by the Board in January 2001 and a 3 inch maximum mesh size restriction was instituted. The purpose of the three inch maximum mesh size regulation was to minimize the capture of migrating chinook and chum salmon while permitting the subsistence harvest of resident species such as northern pike, grayling, sheefish, and other whitefish species. Sport fishing for non-salmon species is currently allowed in Birch Creek year round.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The proposed larger mesh size will likely increase the harvest of spawning salmon and large reproductively important resident species. At present there is no means to assess the subsistence harvest within this road accessible area, which is troubling given the small salmon populations and unknown stock status of resident fish stocks. If this proposal is adopted, the department recommends that a permit requirement be used in this area in order to document subsistence harvests and to monitor effort, particularly by non-local fishers. Currently, waters in most road accessible areas require a permit. The Federal Subsistence Board recently adopted into federal regulation a similar proposal (FP04-06) to increase allowable subsistence gillnet mesh size for Birch Creek that included an exception that larger mesh size would not be allowed during times of the year when adult salmon are present, June 15 through September 15.

COST ANALYSIS: Approval of this proposal does not require fishers to purchase new gear because it would be a personal choice to switch to larger mesh size gillnets.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon and most freshwater fish species common in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? Depends on species and is included in the river system total use amounts.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

Yukon River Freshwater Fish include sheefish, whitefish, burbot, grayling, pike, char, blackfish, sucker, and lamprey with a combined ANS of 133,000 to 2,850,000 lbs.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? No.

PROPOSAL 160: Page 161. 5 AAC 01.220 Lawful gear and gear specifications.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to allow fishers in the Koyukuk River drainage to subsistence fish at their own discretion using gillnet mesh size of their own discretion, to target larger non-salmon species and if a 5-salmon per day limit is exceeded the net must be pulled for 24 hours.

WHAT ARE THE CURRENT REGULATIONS? Subsistence fishing for both salmon and non-salmon species in the Koyukuk River is allowed 24 hours per day, seven days per week with unrestricted gillnet mesh size in most portions of the drainage with exceptions of waters near the Dalton Highway corridor. Fishing time, area, and gear type can be restricted in times of conservation to protect salmon stocks.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fishers would be able to subsistence fish at their own discretion with any mesh size during times of salmon conservation to target non-salmon species. The actual effects to the salmon stocks would be difficult to quantify, but would depend upon abundance and the faithfulness of the fishers to adhere to the regulations.

BACKGROUND: It is recognized subsistence salmon fishing on the Koyukuk River is not very efficient and harvest of non-salmon species comprise a significant portion of the annual subsistence harvest. It has been frustrating for subsistence fishers particularly during the recent poor returns of fall chum salmon. Many fishermen actually prefer sheefish, but are required to limit their fishing efforts targeting non-salmon species, because of restrictions to protect fall chum salmon. The Board carefully considered the Koyukuk River fishery when the subsistence fishing schedule was adopted in January 2001 that allowed unrestricted fishing time in the Koyukuk River during average to below average runs as compared to other areas that were restricted to as little as two 36-hour periods per week. Managers work with fishermen inseason to make efficient use of their opportunities such as scheduling fishing on weekends and during daylight hours.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal out of concern for creating an unenforceable regulation. Fishers in the Koyukuk River as well as the rest of the Yukon River are allowed to utilize 4 inch or smaller mesh size gillnets during salmon fishing closures to conserve salmon. When closures are implemented to conserve salmon, because of poor abundance the idea is to decrease the harvest of salmon.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? Depends on species and is included in the river system total use amounts.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

Yukon River Freshwater Fish include sheefish, whitefish, burbot, grayling, pike, char, blackfish, sucker, and lamprey with a combined ANS of 133,000 to 2,850,000 lbs.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 161: Page 161. 5 AAC 01.220. Lawful gear and gear specifications.

WHAT WOULD THE PROPOSAL DO? Allow drift gillnets as a legal subsistence fishing gear within Subdistrict 4-B and 4-C.

WHAT ARE THE CURRENT REGULATIONS? In Subdistricts 4-B and 4-C, legal gear for subsistence fishing is set gillnet, beach seine and fish wheel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Subsistence fishing with drift gillnets in 4-B and 4-C will likely result in increased harvest of upper drainage bound chinook salmon and larger female salmon than the existing set gillnet and fish wheel harvest.

BACKGROUND: In November 1973, the Board prohibited the use of drift gillnets for commercial fishing above the mouth of the Bonasila River in the Yukon River Drainage. This action was based on the use of drift nets being historically negligible in the Upper Yukon Drainage and to prevent possible gear conflicts in the future.

In December of 1976, the Board prohibited the use of drift gillnets, of which there was negligible use, for subsistence purposes in the Upper Yukon Area. Board discussion at that time indicated the possible increase in the use of drift gillnets, which may be efficient in capturing salmon, could seriously impact both the conservation and the allocation of Upper Yukon salmon stocks which were being harvested at maximum levels.

Similar proposals to allow subsistence fishing with drift gillnets in Subdistricts 4-B and 4-C have come before the Board in the past, 1987, 1989/90, 1991/92, 1993/94, and 1997. In 1994 the Board asked if drift gillnet gear was needed in order to provide adequate opportunity. It did not appear necessary and was not in the C&T finding. The Board stated that the department could allow increased time for subsistence fishing with current gear types by emergency order. During the commercial fishing season, subsistence, and commercial periods are concurrent in Subdistricts 4-B and 4-C and normally there are two 48-hour periods per week.

Subsistence fishers have informed the department that there are limited fishing sites for stationary gear around Ruby and Galena. Presently a number of fishers from Galena travel downriver to Subdistrict 4-A to subsistence fish with drift gillnets for king salmon. Cone Point, the boundary between Subdistrict 4-A and Subdistricts 4-B and 4-C is approximately 16 river miles downstream from Galena. Subsistence fishers in Subdistrict 4-A have reported that the number of fishers that travel is increasing and that there is more competition in available drift sites.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The department has the following management and biological concerns regarding this proposal. This proposal is not a local issue and could potentially impact users throughout the Yukon River drainage. The Yukon River chinook salmon stocks are currently fully allocated and are currently in a process of rebuilding. The possibility of an increased harvest stems from several sources. Drift gillnet gear is more mobile and efficient than traditional gear types. In addition, the overall harvest may increase because it is easier for people to participate, including non-locals who may travel to the area to fish. The transportation hub of Galena makes it is easier to ship fish out of the area. There is also concern of an overall increase in harvest because of the allowance of cash sales of salmon under federal customary trade regulations.

Allowing drift gillnet fishing in this area may change harvest trends in this area, with an increased harvest rate on stocks migrating further upriver. Set gillnet and fish wheel gear, which operate near the shoreline, most likely harvest a higher proportion of local middle river stocks, which are thought to migrate closer to shore. Drift gillnets, which can be operated in farther offshore, may increase the proportion of Canadian origin salmon and

larger female salmon necessary for spawning escapements, and for which there are treaty obligations to Canada.

An increase in gear efficiency may impact the traditional schedule of two 48-hour periods per week on the less efficient traditional gear types of set gillnet and fish wheels, resulting in reduced fishing opportunity. This may also impact the commercial fishery, which has concurrent fishing time with subsistence fishing. Because of the same concerns, the Federal Subsistence Board rejected a similar federal proposal (FP04-05) at their December 2003 meeting. Subsistence harvest data and public input indicate subsistence needs are being met with the current allowable fishing gear and locations.

The department understands that residents of Ruby and Galena must travel to the Koyukuk Village area in order to drift fish and that gas prices in rural villages are very high. However, if this proposal is adopted, more proposals may be submitted to use drift gillnets further upriver which again, will increase harvest pressure on stocks of concern in addition to having allocative and treaty implications.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 162 and 163: Pages 162-163. 5 AAC 01.220. Lawful gear and gear specifications.

WHAT WOULD THE PROPOSAL DO? Allow drift gillnets as a legal subsistence fishing gear within Subdistrict 4-B and 4-C downstream of the mouth of the Yuki River.

WHAT ARE THE CURRENT REGULATIONS? In Subdistricts 4-B and 4-C, legal gear for subsistence fishing is set gillnet, beach seine and fish wheel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Subsistence fishing with drift gillnets in 4-B and 4-C will likely result in increased harvest of upper drainage bound chinook salmon and larger female salmon than the existing set gillnet and fish wheel harvest.

BACKGROUND: In November 1973, the Board prohibited the use of drift gillnets for commercial fishing above the mouth of the Bonasila River in the Yukon River Drainage. This action was based on the use of drift nets being historically negligible in the Upper Yukon Drainage and to prevent possible gear conflicts in the future.

In December of 1976, the Board prohibited the use of drift gillnets, of which there was negligible use, for subsistence purposes in the Upper Yukon Area. Board discussion at that time indicated the possible increase in the use of drift gillnets, which may be efficient in capturing salmon, could seriously impact both the conservation and the allocation of Upper Yukon salmon stocks which were being harvested at maximum levels.

Similar proposals to allow subsistence fishing with drift gillnets in Subdistricts 4-B and 4-C have come before the Board of Fisheries in the past, 1987, 1989/90, 1991/92, 1993/94, and 1997. In 1994 the Board asked if drift gillnet gear was needed in order to provide adequate opportunity. It did not appear necessary and was not in the C&T finding. The Board stated that the department could allow increased time for subsistence fishing with current gear types by emergency order. During the commercial fishing season, subsistence and commercial periods are concurrent in Subdistricts 4-B and 4-C and normally there are two 48-hour periods per week.

Subsistence fishers have informed the department that there are limited fishing sites for stationary gear around Ruby and Galena. Presently, a number of fishers from Galena travel downriver to Subdistrict 4-A to subsistence fish with drift gillnets for king salmon. Cone Point, the boundary between Subdistrict 4-A and Subdistricts 4-B and 4-C is approximately 16 river miles downstream from Galena. Subsistence fishers in Subdistrict 4-A have reported that the number of fishers that travel is increasing and that there is more competition in available drift sites.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The department has the following management and biological concerns regarding this proposal. This proposal is not a local issue and could potentially impact users throughout

the Yukon River drainage. The Yukon River chinook salmon stocks are currently fully allocated and are currently in a process of rebuilding. The possibility of an increased harvest stems from several sources. Drift gillnet gear is more mobile and efficient than traditional gear types. In addition, the overall harvest may increase because it is easier for people to participate, including non-locals who may travel to the area to fish. The transportation hub of Galena makes it is easier to ship fish out of the area. There is also concern of an overall increase in harvest because of the allowance of cash sales of salmon under federal customary trade regulations.

Allowing drift gillnet fishing in this area may change harvest trends in this area, with an increased harvest rate on stocks migrating farther upriver. Set gillnet and fish wheel gear, which operate near the shoreline, most likely harvests a higher proportion of local middle river stocks, which are thought to migrate closer to shore. Drift gillnets, which can be operated farther offshore, may increase the proportion of Canadian origin salmon and larger female salmon in the harvest. A shift in the allocation of Canadian-origin chinook salmon will have Alaskan allocation and possibly treaty implications.

An increase in gear efficiency may impact the traditional schedule of two 48-hour periods per week on the less efficient traditional gear types of set gillnet and fish wheels, resulting in reduced fishing opportunity. This may also impact the commercial fishery, which has concurrent fishing time with subsistence fishing. Because of the same concerns, the Federal Subsistence Board rejected a similar federal proposal (FP04-05) at their December 2003 meeting. Subsistence harvest data and public input indicate subsistence needs are being met with the current allowable fishing gear and locations.

The department understands that residents of Ruby and Galena must travel to Subdistrict 4-A to drift fish and that gas prices in rural villages are very high. However, if this proposal is adopted, more proposals may be submitted to use drift gillnets further upriver which again, will increase harvest pressure on stocks of concern in addition to having allocative and possible treaty implications.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 164: Page 164. 5 AAC 01.220(f). Lawful gear and gear specifications.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to open waters closed to subsistence fishing in the South and Middle Forks of the Koyukuk River; and allow use of legal subsistence fishing methods and means, with the exceptions that gillnets shall be limited to 3.5 inch mesh size or less and fishing with gillnets closed the from July 1 to October 31 to protect spawning salmon.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.225. WATERS CLOSED TO SUBSITENCE FISHING (b)(5) and (b)(6) identify waters closed to all subsistence fishing in portions of the South and Middle Forks of the Koyukuk River. Sport fishing is allowed in this same area under the standard suite of regulations common to the region.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would have minimal impact to spawning salmon and would increase subsistence fishing opportunity in the prescribed area, but the potential level of additional harvest is unknown.

BACKGROUND: Portions of various waters adjacent to the Dalton Highway corridor were closed to subsistence fishing in the 1970s when it was anticipated that improved access to the area would significantly increase the level of harvest particularly on local freshwater species, most of which are believed to sustain only low levels of exploitation. Sport fishing is common in the area, but it is thought to be primarily catch and release with a low harvest rate due to the remoteness of the area and the ability to care for the harvest on a typical several day trip.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal with the recommendation that subsistence permits be considered to document all salmon and resident species. The department is concerned that opening these waters to subsistence fishing may attract fishermen from outside the area and potentially may significantly increase harvest. The department currently conducts household surveys in the local

communities along the Koyukuk River to collect harvest information, but there is no instrument to capture harvest information by fishermen from outside the area utilizing the resource. There is a potential for a few individuals to harvest significant quantities of fish without any harvest reporting. The department requests consideration of requiring a subsistence permit for this area if the proposal is adopted to aid tracking harvest similar to other road accessible portions of the Alaska Yukon River drainage.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? Depends on species and is included in the river system total use amounts.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

Yukon River Freshwater Fish include sheefish, whitefish, burbot, grayling, pike, char, blackfish, sucker, and lamprey with a combined ANS of 133,000 to 2,850,000 lbs.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally, no.

PROPOSAL 165: Page 164. 5 AAC 01.225. Waters closed to subsistence fishing; 5 AAC 05.350 Closed Waters; and 5 AAC 70.022 Waters; seasons; bag limits and size limits for the Yukon-Kuskokwim Area.

WHAT WOULD THE PROPOSAL DO? This proposal would close all spawning streams to any fishing including ½ mile downstream from the mouth and ¼ mile upstream. No fishing would be allowed until the department, by emergency order, opens fishing when they have reached the escapement goal and the department makes sure they monitor these spawning streams.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.225; 5 AAC 05.350; AND 5 AAC 70.022. Numerous waters have been closed to commercial, sport, and subsistence fishing, largely to protect small spawning stocks. Geographic areas have been closed when harvests from those areas pose threats to conservation of stocks.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The effect would be to substantially reduce fishing opportunity in subsistence, commercial and sport fisheries in the Yukon drainage.

BACKGROUND: Escapement goals have been established for very few Yukon River tributaries. Of these, the number of tributaries in which in-season escapement assessment projects are in place is still small. For example, only the Chena and Salcha rivers have ground-based, in-season assessment for chinook salmon escapement goals. Most of the tributaries for which some type of escapement target has been set rely on post-season assessment. Hence, very few tributaries could ever be opened for fishing under the proposed regulation. This would primarily affect subsistence and sport fishing in tributary streams.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. It is not practical to close all fishing until escapement goals have been met. Nor does the department have the resources to develop and monitor escapement goals as requested by this proposal. This proposed regulation unnecessarily restricts fishing opportunity for all users without any biological or conservation reason cited.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No, except for salmon in the Fairbanks Non-subsistence Area (primarily Subdistrict 6-C).
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
7. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In some recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

COMMERCIAL

PROPOSAL 166: Page 165 5 AAC 05.310. Fishing seasons.

WHAT WOULD THE PROPOSAL DO? Close all commercial fishing until May 2011.

WHAT ARE THE CURRENT REGULATIONS? The Yukon River salmon fisheries are managed to provide for sustained yield of salmon stocks large enough to meet escapement goals, amounts necessary for subsistence and for fisheries other than subsistence. Management of the Yukon River commercial fisheries are managed in accordance with the following management plans:

5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN.

5 AAC 05.362. YUKON RIVER SUMMER CHUM SALMON MANAGEMENT PLAN; FISHERMAN REPORTING REQUIREMENTS.

5 AAC 05.367. TANANA RIVER SALMON MANAGEMENT PLAN.

5 AAC 05.368. ANVIK RIVER CHUM SALMON FISHERY MANAGEMENT PLAN.

5 AAC 05.360. YUKON COHO SALMON MANAGEMENT PLAN.

5 AAC 01.248. TOKLAT RIVER FALL CHUM SALMON REBUILDING MANAGEMENT PLAN.

5 AAC 01.249. YUKON RIVER DRAINAGE FALL CHUM SALMON MANAGEMENT PLAN.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Commercial salmon fishing would be closed until May of 2011, without consideration of the run strength. This would have a significant effect on the economics of the area making it more difficult for fishers to earn money to participate in subsistence fishing and hunting, and to pay cost of living expenses in years when there was a commercially harvestable surplus of salmon.

BACKGROUND: The Board has adopted management plans to direct the department in management of the fisheries including those stocks identified as stocks of concern. Implementation of the management plans require the department to use the best available data, including pre-season run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing these management plans.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. When there is an identifiable commercially harvestable surplus, the department is obligated to provide commercial fishing opportunity. This proposal stems from the concept that over harvest caused the poor runs from 1998-2002. Parent years of the recent poor runs (1994-1997 escapements) were not over harvested and the harvest of those runs did not contribute to the resulting poor runs. Presentation at the National Research Council meeting in November 2003, clarified that the recent poor salmon runs are attributed to poor ocean

conditions. Historically, there have been as bad or worse escapements than those of 1998-2002 that produced good runs. Wild salmon runs are subject to wide fluctuations in rates of survival depending on the conditions encountered at the various life stages. Recently, runs through out the western portion of the state have been experiencing low survival rates, probably a result of unfavorable conditions encountered during the ocean phase of the life cycle. The poor survival has occurred across multiple age classes, species and river systems; the only place such a broad spectrum of fish could have been affected simultaneously was during the ocean residence phase of the life cycle. There is reason for optimism however; since during 2003 chinook and fall chum salmon run strength was estimated to be near the long-term averages with surpluses available for commercial harvest.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. However, fishers who do participate may suffer financial hardships in years when a commercially harvestable surplus exists.

PROPOSAL 167: Page 166. 5 AAC 05.310. Fishing seasons.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to establish management planning committees that would develop quotas based on community economic, sport, and subsistence needs. In addition, the proposal requests the Board to consider closing commercial fisheries for seven years along the Yukon River and its tributaries.

WHAT ARE THE CURRENT REGULATIONS? Commercial fishing is managed according to management plans set in regulation and dependent upon inseason run assessment of abundance. Management plans currently in regulation include:

5 AAC 01.248. TOKLAT RIVER FALL CHUM SALMON REBUILDING MANAGEMENT PLAN.

5 AAC 01.249. YUKON RIVER DRAINAGE FALL CHUM SALMON MANAGEMENT PLAN.

5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN.

5 AAC 05.362. YUKON RIVER SUMMER CHUM SALMON MANAGEMENT PLAN; FISHERMAN REPORTING REQUIREMENTS.

5 AAC 05.367. TANANA RIVER SALMON MANAGEMENT PLAN.

5AAC 05.368. ANVIK RIVER CHUM SALMON FISHERY MANAGEMENT PLAN.

5 AAC 05.360. YUKON COHO SALMON MANAGEMENT PLAN.

5 AAC 01.236 CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF FISH STOCKS AND AMOUNTS NECESSARY FOR SUBSISTENCE USES.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Presumably a salmon harvest quota would be allocated to each community based on multiple parameters of use, economic need, and future expectations. Plan development may result in a reallocation among various users and it may change the portion of the

harvestable surplus made available to the various user groups throughout the drainage. Commercial fishing would be closed for seven years regardless of salmon abundance.

BACKGROUND: The Yukon River is considered a large mixed-stock salmon fishery that is fully allocated. A trend of poor salmon production has resulted in exceptionally low salmon runs since 1998. The Board adopted into regulation modified management plans and the newly created summer chum salmon management plan in January 2001 to address Yukon salmon stocks of concern. A major focus of the January 2001 Board meeting was to assure protection of the depressed salmon stocks and to allocate use of the salmon resource. The most significant regulation adopted at that meeting was the subsistence fishing schedule which specified amounts of fishing time for various portions of the river based on harvest efficiency and available salmon stocks to in order to provide for escapement and distribute subsistence opportunity over a larger portion of the run.

DEPARTMENT COMMENTS: The department is **OPPOSED** to developing quotas based on community economic, sport, and subsistence needs and to closing commercial fisheries for seven years regardless of run abundance. The 1989 McDowell decision also prohibits use of residency criteria to allocate fish and game in Alaska, which a community economic needs-based criterion would require. There is great variability in run size year to year. In 2003, both fall chum and chinook salmon runs were much better than expected and a surplus for all uses was available. The development of individual community or area quotas in the Yukon River would be complex and impossible to manage for. In a mixed stock, multi-species fishery, such as the Yukon River, it is extremely difficult to evenly distribute harvests out along the entire river with varying strength of individual stocks. Since the windows schedule has been implemented for the Yukon River, management has been more conservative and the issue of spreading subsistence opportunity among users during years of low salmon runs is being addressed.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? The portion of the Yukon River management area Subdistrict 6-C is designated a non-subsistence area.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? Depends on species and is included in the river system total use amounts.

King Salmon	45,500-66,704
Summer Chum Salmon	83,500-142,192
Fall Chum Salmon	89,500-167,100
Coho Salmon	20,500-51,980

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 168: Page 166. 5 AAC 05.360. Yukon River King Salmon Management Plan; 5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan; and 5 AAC 05.365. Yukon River fall chum salmon guideline harvest ranges.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to lower commercial guideline harvest ranges and change the allocation of the summer and fall chum and chinook salmon commercial harvest from the lower Yukon River area to the upper Yukon River area.

WHAT ARE THE CURRENT REGULATIONS? Yukon River salmon management plans provide the department with guidelines to manage for the sustained yield of salmon stocks using the best available information. The 5 AAC 05.360. Yukon River King Salmon Management Plan directs the department to manage the commercial chinook salmon fishery for a guideline harvest (GHL) range of 67,350 to 129,150 king salmon. The plan further breaks down the chinook salmon GHL by district. The 5 AAC 05.362. Yukon River summer chum salmon management plan provides thresholds levels of projected run sizes at which various fisheries may or may not be implemented. A summer chum salmon commercial fishery can be implemented when the projected run size is greater than 1,000,000 fish or there is a commercially harvestable surplus in a district or subdistrict such as the Tanana River. The GHL for Yukon River summer chum salmon is 400,000 to 1,200,00 salmon, with this GHL further divided and allocated to each district. The 5 AAC 05.365 Yukon River fall chum salmon guideline harvest ranges directs the department to manage the fall chum salmon fishery for a GHL of 72,750 to 320,500 with this GHL further divided and allocated to each district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The current allocation of the commercial harvest would be reduced in the lower Yukon River area (Districts 1, 2, and 3) and increased in the upper Yukon River area (Districts 4, 5,

and 6). Additionally, it would reduce the upper end of the guideline harvest level (GHR) by approximately 50%. The chinook salmon GHR would decrease from 129,150 fish to 62,500 fish. The fall chum salmon GHR would decrease from 320,500 fish to 180,500 fish. The upper end of the summer chum salmon GHR would be reduced from 1,200,000 fish to 870,000 fish.

BACKGROUND: During the 2001 BOF meeting, the department developed stock status reports on the three species affected by this proposal. Also developed were draft management plans for summer and fall chum, and chinook salmon. In these management plans were guideline harvest ranges (GHR) for chum and chinook salmon. The Board asked if the GHR contained in the draft plans were appropriate for the current productivity regime, and the department responded that they were. The Yukon River Drainage Fishermen's Association was in support of the plan. When it was pointed out there was no reference in the plans to the exact percentages when harvests were below the GHR, the percentages were inserted into the plans.

DEPARTMENT COMMENTS: The department has a **NEUTRAL** position on this proposal, which requests a reallocation of a portion of the commercial harvest from the lower Yukon River to the upper Yukon River. The department believes the current harvest guidelines outlined in the management plans are still appropriate even with the poor runs observed in recent years. It should be understood commercial fishing opportunity will be dependent on market interest as well as run strength and guideline harvest ranges.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 169: Page 168. 5 AAC 05.360. Yukon River King Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allow commercial fishers in Subdistrict 4-A that are allowed to use only fish wheel and set gillnet gear in a directed summer chum fishery, which incidentally harvests chinook salmon, to switch to drift gillnet gear and participate in directed chinook salmon fishing when there is no directed summer chum salmon fishery because of low abundance.

WHAT ARE THE CURRENT REGULATIONS? Set gillnets and fish wheels are legal gear types for commercial fishing in Subdistrict 4-A. 5 AAC 05.362 Yukon River summer chum salmon management plan provides for a summer chum salmon fishery by emergency order when the projected run size is over 1,00,000 fish. 5 AAC 05.360 Yukon River king salmon management plan provides for a District 4 GHF of 2,250 to 2,850 chinook salmon. Drift gillnets are legal gear in the District 4-A subsistence fishery from June 10 to July 14.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fishers, who have either a set gillnet or a fish wheel in Subdistrict 4-A, would be allowed to participate in directed chinook salmon fisheries with drift gillnets.

BACKGROUND: The District 4-A commercial fishery has been a directed summer chum salmon fishery with roe as the primary product. There was a small harvest in 1997, but no District 4-A commercial summer chum salmon fishery since 1998 because run size has been projected under 1,000,000 fish in most years and the markets for chum salmon have been poor since that time. The incident commercial harvest of chinook salmon in this subdistrict has ranged from 0 to 7 during the last 10 years and 0 to 785 historically. Local fishers have also informed the department that there are only a few good set gillnet sites available in Subdistrict 4-A.

Drift gillnet gear is a legal gear type for subsistence fishing in Subdistrict 4-A from June 10 to July 14. Those fishers utilizing drift gillnets possess appropriate gear and are knowledgeable in operating drift gillnets. The subsistence chinook salmon harvest in this subdistrict has ranged from 3,500 to 5,500 during the last 10 years. Approximately 69% of the respondents during the 2002 subsistence surveys said they fished with drift gillnet gear.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Allowing drift gillnets for commercial fishing in this area would potentially shift the stock composition of the commercial harvest and allow fishers to target stocks traveling in areas of the river that are not normally susceptible to the gear types that are currently legal in Subdistrict 4-A. It is thought that set gillnets and fish wheels, by virtue of their bank orientation, target local stocks that have already begun to orient along the banks en route to their natal streams. Allowing drift gillnets as a legal gear type would likely increase harvest of Canadian bound chinook salmon and larger female salmon in Subdistrict 4-A. The department does realize that fish wheels have not been used in recent years and most are inoperable. Therefore, the Board may wish to consider allowing fishers who have fish wheel permits to use set gillnets to commercially harvest chinook salmon.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 170: Page 168. 5 AAC 05.360; Yukon River King Salmon Management Plan; 5 AAC 05.362 Yukon River Summer Chum Salmon Management Plan; 5 AAC 05.365 Yukon River Fall Chum Salmon Management Plan; and 5 AAC 05.369 Yukon River Coho Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit directed roe stripping for all salmon species.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 05362 Yukon River summer chum salmon management plan directs the department to open the summer chum salmon fishery when the run is projected to be greater than 1,000,000 fish. Roe is allowed to be sold separately from flesh.

5 AAAC 05.368 Anvik River chum salmon fishery management plan directs the department to open the Anvik River to the harvest of chum salmon when the spawning escapement objective of 500,000 fish will be achieved or exceeded.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would deny commercial fishers the opportunity to harvest a surplus of summer chum salmon when a surplus exists.

BACKGROUND: Summer chum salmon roe fisheries have been a long established and accepted fishery in Districts 4-6. As many as 500,000 summer chum salmon have been harvested annually in these fisheries where the primary product was salmon roe. There has been no market for summer chum salmon in the round from this portion of the drainage due to poor flesh quality. Salmon carcasses retained from the commercial roe fishery have been used for subsistence purposes.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Runs of summer chum salmon can reach abundance levels greater than 3 million fish. Currently there is no market for summer chum salmon in the round in most of the drainage. When there is a commercially harvestable surplus, a market may be available for roe, and carcasses from roe stripping are utilized for subsistence use. A decline in run strength has limited commercial fishing and because of the poor runs and declining markets, this area has lost a foothold in the market.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 171: 5 AAC 05.331. Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO? This proposal would limit legal commercial gillnet gear to a mesh size of 6 inch or smaller in Districts 1 and 2.

WHAT ARE THE CURRENT REGULATIONS? There is currently no maximum mesh size limit on gillnets in the Yukon Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Commercial gillnets would be limited to a maximum of 6 inch stretch mesh, which would mainly target chum salmon.

BACKGROUND: Currently one of the management tools available in the Yukon area is the ability to use mesh sizes to target different species of salmon depending on identified surpluses. Mesh size can be used to direct harvest effort to a species that has a surplus while reducing harvest rates less abundant species. During very poor runs, harvest of chinook salmon for subsistence needs has been more difficult for fishers further up river. During these years of low runs, commercial fishing for chinook salmon has been reduced significantly with no commercial fishing in 2001. While the large gillnet mesh size is designed to capture chinook salmon, generally escapement goals have been met and escapement ground sampling indicates larger size fish of the dominant age class are reaching the spawning areas.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The ability to target species with different mesh sizes is one of the main management tools available to managers of the fishery. On the Yukon River, the viable fishery currently targets chinook salmon. Attempting to harvest a surplus of chinook salmon with gillnets of 6 inch mesh or smaller will result in an unacceptably high harvest of summer chum salmon. Summer chum salmon have been designated by the Board to be a stock of concern at the management level, a higher level of concern than for chinook salmon. The ratio of summer chum salmon to chinook salmon when commercial fishing with restricted nets (six inches or less mesh size) in the commercial fishery is approximately 20 to 1. Therefore if the harvestable surplus of chinook salmon was 20,000 fish, depending on run strength, the summer chum salmon harvest could be up to 400,000 fish with no buyer interest.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 172: Page 169 5 AAC 05.331 Gillnet specifications and operations and 5 AAC 05.331 Fish wheel specifications and operations.

WHAT WOULD THE PROPOSAL DO? This proposal would cut depth and length of fish wheel leads and limit the depth of gillnets to 47% of the river depth in the area being fished.

WHAT ARE THE CURRENT REGULATIONS? For subsistence fishing, there is no limit on depth of gillnets or length of leads on fish wheels. Commercial gillnets in Districts 1, 2 and 3 are limited to a depth of 50 meshes for nets with mesh size 6 inches or less and 45 meshes for nets with mesh size of 6 inches or greater.

In Districts 4-6, commercial gillnets of less than 6 inch may be a maximum of 70 meshes deep and if larger than 6 inch may be a maximum of 60 meshes deep.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal is not very clear. If this proposal was adopted as written, the depth of all fishing gear would be limited to approximately half of the water column for a particular fishing site or area. The effect would be that each area or fishing site would be different.

BACKGROUND: The Yukon River is considered a large mixed-stock salmon fishery that is fully allocated. A trend of poor salmon production has resulted in low runs of salmon since 1998. At the 1994 Board of Fisheries meeting, a staff proposal was introduced to restrict the depth of commercial gillnets to 45 mesh depth for gillnet gear of greater than 6 inch mesh size and 50 mesh depth for gillnet gear of less than 6 inch mesh size for the entire river. However, this proposal was amended and adopted for only Districts 1, 2, and 3.

DEPARTMENT COMMENTS: The department is **NEUTRAL** because the proposal is unclear. In regard to limiting the length and depth of fish wheel leads, fish wheels are very site specific and in some cases, do not have leads. The Board may wish to consider a consistent maximum depth of gillnets for the entire river. An alternative for gillnet depth may be to have the maximum depth of gillnets currently used in Districts 1, 2 and 3 of 45 meshes for gillnet gear of greater than 6 inch mesh and 50 meshes for gillnet gear of less than 6 inch depth.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL A: 5 AAC 27.950. Waters closed to herring fishing in Bering Sea-Kotzebue Area.

WHAT WOULD THE PROPOSAL DO? This proposal would expand the area open to commercial fishing in the Cape Romanzof herring district.

WHAT ARE THE CURRENT REGULATIONS? Commercial fishing for herring is allowed only within the confines of Kokechik Bay.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, these regulations would allow commercial fishing for herring within the entire Cape Romanzof herring district.

BACKGROUND: Commercial fishing for herring has been allowed in the Cape Romanzof district since 1980. Harvests have ranged up to 1,800 tons of herring. In 1987 the fishery went limited entry with 101 permits eventually being issued. Recent harvests have greatly declined since 2000, with only 80 tons harvested and 11 fishers participating in 2003.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Participation in the commercial herring fishery has declined over the past several years due to market conditions and low exvessel prices. The number of fishers participating has dropped to a point that the existing fishers are having trouble catching commercially viable amounts of herring under the current management scheme, which confines the fishery to the inside waters of Kokechick Bay, a fraction of the available fishing waters within the district. By opening the rest of the district to commercial fishing, fishers will be able to actively pursue fish through out the entire area rather than being confined to Kokechick Bay and forced to await the arrival of fish into the bay.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SPORT FISHERIES

PROPOSAL 173, PAGE 170, 5 AAC 70.022(d). Waters; seasons; bag, possession, and size limits. Amend this regulation as follows:

In the Goodpaster River drainage below the confluence with the South fork, catch-and-release fishing for king salmon is open from January 1 through December 31.

WHAT WOULD THE PROPOSAL DO? This proposal would allow sport fishing opportunity (catch and release) for king salmon in an area that is currently closed to salmon fishing.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(d)(11)(K). The Goodpaster River drainage is closed to sport fishing for salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Allow the opportunity to sport fish for king salmon in the lower Goodpaster River, downstream from its confluence with the South Fork.

BACKGROUND: Until 1974, sport fishing for king salmon was allowed in the Goodpaster River under the background regulations for the Tanana Drainage with a bag and possession limit of one fish. The Goodpaster River was closed to salmon fishing in 1975 owing to low abundance of king salmon. There were about 250 king salmon observed in the lower 100 miles of the Goodpaster River in late July of 1974. These counts were indices of abundance and were likely biased low. The catch, effort and harvest of king salmon during this time were undocumented.

In recent years greater numbers of king salmon have been documented in the Goodpaster River. Aerial survey indices have been greater than 2,000 fish during 2002 and 2003 in the lower 100 miles of the river.

The South Fork of the Goodpaster River is a notable landmark and its use as the upper boundary of the salmon fishing area would ensure that spawning king salmon are not targeted by anglers. King salmon spawning has not been observed downstream from Sand Creek, which is about 47 miles from the mouth and 14 miles upstream from the purposed upstream boundary.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal with the modification of not allowing bait. This regulation changes would likely result in some catch and release mortality. This fishery would be remote in contrast with the major king salmon fisheries of the Tanana Valley (the Chena and Salcha River fisheries). It will be accessible only by boat or airplane and would become one of several smaller fisheries for king salmon offering diversity of opportunity to anglers.

There is little likelihood of harm to the stock as fishing will not occur in spawning areas, while restricting the fishery to catch-and-release will limit angling mortality to a minimal level.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in area fisheries.

PROPOSAL 174, PAGE 171, 5 AAC 70.022(c) and 5 AAC 05.360(f). Yukon River King Salmon Management Plan. Amend this regulation as follows:

The sport fishery in the Yukon River drainage will be managed in accordance with the subsistence salmon net and fishwheel openings and closures.

WHAT WOULD THE PROPOSAL DO? This proposal, if adopted, would align the opening and closing of the sport fishery with the gill net and fish wheel subsistence fisheries.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 70.022 (c-d). Sport fishing is permitted year round in waters of the Yukon River portion and the Tanana River portion of the Arctic-Yukon-Kuskokwim Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The effect would be to substantially reduce the opportunity for sport anglers to participate in area fisheries, by requiring that all sport fishing be closed whenever subsistence salmon fishing is closed.

BACKGROUND: During the meeting in January 2001, the Alaska Board of Fisheries directed the department to establish a weekly schedule for the gillnet and fish wheel subsistence fisheries. The subsistence fishing schedule was adopted to 1) to spread the harvest throughout the run thereby reducing the impact on any particular component of the run during years of low run size, and 2) to distribute more fish to upriver districts in order to provide more equitable subsistence opportunities among subsistence users. The fishing schedule was based on past fishing patterns and was designed to provide reasonable opportunity for subsistence users to meet their needs during years of average to below average runs. The goal of the schedule is to provide windows of time during which salmon fishing is closed.

Consistent with conservative management of the fishery, the sport bag and possession limit for king salmon was reduced from three fish to one prior to the arrival of king salmon in the river during 2001-2003. The pre-season action to reduce the bag limit was taken because the department cannot reliably determine run strength until in-season assessment information is available. Actions taken to relax or increase restrictions in the sport fishery have consistently been in response to the level of abundance based on in-season indicators.

Estimated annual sport harvests of king salmon in the entire Yukon drainage (excluding the Tanana drainage) have been around 100 fish. Estimated annual sport catches of king salmon from the same area have been under 500 fish. Management of the sport fishery for king salmon focuses on providing a reliable level of opportunity for anglers to participate in the fishery, not a high level of yield or harvest.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Historically, salmon and resident fish production in the Yukon River has been in excess of the needs for spawning escapement and subsistence use. The current bag and possession limits for salmon are considered very conservative for rural sport fisheries. It is the department's opinion that the current management plan is working and there is no need for further regulatory action regarding the sport fishery.

COST ANALYSIS: Adoption of this proposal is expected to result in additional direct cost for private individuals to participate in Yukon River king salmon sport fisheries.

COMMITTEE C- NORTON SOUND-PORT CLARENCE AREA SALMON AND HERRING

SUBSISTENCE

PROPOSAL 120: Pages 125. 5 AAC 01.180 (b). Subsistence fishing permits.

WHAT WOULD THE PROPOSAL DO? This proposal would expand the boundaries in Norton Sound where a subsistence fishing permit is required. The expanded area would include Norton Sound Subdistrict 2 and all of the Port Clarence District. This proposal as written would exempt residents of communities that participate in a postseason subsistence salmon survey from needing a permit.

WHAT ARE THE CURRENT REGULATIONS? A subsistence permit is required to fish in the Pilgrim River drainage (Port Clarence District) including Salmon Lake. A subsistence permit is required when net fishing in the Norton Sound District from Cape Douglas to Rocky Point, which includes all of Subdistrict 1 (Nome Subdistrict).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would expand the area where subsistence permits are required to include most areas fished by Nome residents. Residents of Norton Sound villages where subsistence salmon surveys occur each fall would be exempt from getting a permit, which would allow them to fish without a permit in areas where a permit is now required such as the Pilgrim River. Fishers such as Nome residents that are not in a surveyed village would be required to obtain a permit.

BACKGROUND: With increasing restrictions on fishing in the Nome area, more fishing effort is occurring outside of Subdistrict 1. This is putting more pressure on other fish stocks. Most concerns have been voiced about fishing in Port Clarence, Pilgrim River, Niukluk River and Fish River. Harvests by Nome residents outside the present required permit areas are not documented in postseason salmon surveys. Therefore, harvests by Alaskan residents in the Port Clarence District, excluding the Pilgrim River drainage and Salmon Lake, are not recorded unless they are by residents of area villages. Likewise, harvests in the Niukluk and Fish Rivers in Subdistrict 2, by residents outside the area villages are not documented either. Both areas can be accessed by road from Nome.

In a one-time survey funded by the Office of Subsistence Management, ADF&G's Division of Subsistence and Kawerak's Department of Natural Resources estimated salmon harvests by Nome residents in 2001. An analysis of the Nome survey and permit data indicated that in 2001, Nome residents harvested 47 percent of their salmon outside the Nome permit area. Of the estimated 6,138 salmon harvested by Nome households, 1,158 salmon (19 percent) came from the Port Clarence area, and 1,436 salmon (23 percent) came from Norton Sound Subdistrict 2 (the White Mountain-Golovin area).

In Port Clarence District, Nome residents' harvests accounted for about 13 percent of the estimated total harvest of 9,115 salmon (table below). In Subdistrict 2, Nome residents'

harvests accounted for about 20 percent of the estimated total harvest of 7,306 salmon. Nome residents' harvests are probably larger than estimated by the ADFG-Kawerak survey, because reported harvests were not expanded for one of the three samples surveyed in the study.

Estimated Number of Salmon Harvested

	Port Clarence		Subdistrict 1 (Nome)		Subdistrict 2	
	Number	Percent	Number	Percent	Number	Percent
Local Residents	7,957	87.3%	3,226	100.0%	5,870	80.3%
Others (i.e. Nome)	1,158	12.7%	0	0.0%	1,436	19.7%
Estimated Total	9,115	100.0%	3,226	100.0%	7,306	100.0%

SOURCES: Magdanz and Tahbone 2002:28, Georgette et al 2003:16

The Division of Subsistence-Kawerak study also interviewed respondents in Subdistrict 2 and Port Clarence villages about the impacts of Nome residents' fishing. Respondents cited "increased competition for fishing sites related to increased effort by Nome residents." Respondents "were concerned that increased effort and harvest in their areas by Nome residents eventually would lead to increased regulation of subsistence fishing."

Salmon escapements have been adequate in the Port Clarence District, but there has been some weakness in the chum and coho runs to the Niukluk River in recent years.

DEPARTMENT COMMENTS: The department **SUPPORTS** a salmon fishing permit requirement for the Port Clarence District and Subdistrict 2, but **OPPOSES** this proposal because of inconsistent permit requirements. The present survey program does not include Nome because of costs. In the mid-1990s, the department resumed surveying Norton Sound villages for subsistence harvests after approximately ten years of no surveys. The challenge has been to design a harvest reporting system that encompasses all Alaska residents. Due to budgetary constraints, the Department is likely to discontinue funding for the current Norton Sound subsistence salmon survey project in 2004.

If surveys do continue, this proposal would exempt fishers from villages surveyed from permit requirements leading to confusing enforcement. Some fishers may claim to be from a village based on seasonal ties. Also, previous permit requirements, such as the Pilgrim River and Salmon Lake, which has a permit limit of 50 salmon per household, would no longer apply to those residents of communities where salmon surveys occur. In addition, the proposal would exempt a village household from a current permit requirement on the basis of a future event (the village survey), which may not happen. The proposal is not specific about what constitutes an exempting survey such as in the absence of a Department survey, could a village survey itself to obtain an exemption? It is much less confusing if all fishers are required to have permits.

If permits are required, the department would like the requirement for all subsistence fishing gear, as currently is required in the Pilgrim River drainage and not just for net

fishing from Cape Darby to Cape Douglas. The Board passed a regulation in 2001 allowing rod and reel to be legal subsistence gear.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery other than the time taken to get a permit.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for subsistence uses in the Norton Sound – Port Clarence Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges are necessary to meet subsistence needs.

All Salmon (Norton Sound - Port Clarence)	96,000-160,000
Chum Salmon (Subdistrict 1)	3,420 – 5,716

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Yes, in Subdistrict 1 (Nome), a Tier II chum salmon subsistence fishery has been established. In other areas generally, no.

PROPOSAL 121: Page 126. 5 AAC 01.180. Subsistence fishing permits.

WHAT WOULD THE PROPOSAL DO? This proposal would expand the area where a subsistence fishing permit is required in Norton Sound to include the Niukluk River drainage.

WHAT ARE THE CURRENT REGULATIONS? The subsistence fishing schedule is 24 hours a day seven days a week and no permits are required.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would have better harvest information for the Niukluk River, particularly the harvest of salmon that have been counted past the Niukluk River counting tower.

BACKGROUND: Concerns have been expressed that there are an increasing number of Nome residents fishing in the Niukluk River because of the increasing subsistence fishing restrictions in the Nome area. The Niukluk River can be accessed by road from Nome. Since 1995, the department has operated a salmon counting tower on the Niukluk River, approximately 10 miles downstream from the summer community of Council where the Nome road meets the Niukluk River. The majority of subsistence harvests from the Niukluk River are believed to be by residents of Nome or summer residents of Council. Neither community is surveyed to determine subsistence catches. Surveys of other villages occur in the fall and few residents of Council remain until fall. Residents of Nome are not surveyed because of the lack of funds to survey such a large community.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. The proposal is intended to provide an accurate salmon harvest number from the Niukluk River. Accurate harvest numbers will better able the department to determine total run size to the Niukluk River and allow an in-river escapement goal to be established. Permits used will be similar to ones presently used at the Pilgrim River, which has a column for recording harvest occurring above or below the counting site. The department will use the Niukluk River permit data in comparisons with the tower counts and aerial surveys. The nearest year-round village to the Niukluk River is White Mountain which is on the Fish River approximately 10 miles downstream from the confluence of the Niukluk River. Most residents of White Mountain do not harvest salmon from the Niukluk River. The department has contacted the three families from White Mountain known to fish on the Niukluk River and two of the three families said they fished mostly below the tower or in the Fish River, and other family fished approximately every other year in the Niukluk River above the tower site.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery except for the time taken to get a permit.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Norton Sound – Port Clarence Area.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined 96,000 – 160,000 salmon.
5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally, no.

PROPOSAL 122: Page 127. 5 AAC 01.170. Lawful gear and gear specifications.

WHAT WOULD THE PROPOSAL DO? In the Port Clarence District, reduce the legal length of salmon gillnets to 150 feet in Grantley Harbor.

WHAT ARE THE CURRENT REGULATIONS? The legal gear for gillnets is 50 fathoms.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be less of a difference between gillnet lengths used by different fishers. It will likely take longer to catch the same amount of fish with a shorter net as it would with a longer net.

BACKGROUND: Concerns have been raised that with the increasing restrictions on fishing in the Nome area that more residents are fishing outside of Subdistrict 1 (Nome Subdistrict) and putting more pressure on other fish stocks. In the Port Clarence District some Teller residents have complained that there are more people fishing 50 fathom nets than in the past and that a number of those fishing 50 fathom nets are from the Nome area. Teller residents that fish in Grantley Harbor in front of Teller often use nets much shorter than 50 fathoms.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. There is not a biological concern with salmon stocks in the Port Clarence District, but rather a social concern by some fishers. Most fishers are targeting sockeye salmon that are bound for the Pilgrim River and Salmon Lake. The sockeye runs into Salmon Lake in the last 10 years have been healthy and in only one year was the escapement goal not reached. This past year was a record run of sockeye salmon into the lake.

COST ANALYSIS: Approval of this proposal may result in additional costs if more trips are needed to fish because of restrictions in net length, otherwise no change in gear is needed as those with longer gear can deploy less gear by stacking some net on shore or in the boat.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Port Clarence Area.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined 96,000 – 160,000 salmon for the Norton Sound – Port Clarence Area.
5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally, no.

COMMERCIAL

PROPOSAL 123: Page 128. 5 AAC 27.910. Fishing seasons and periods for Bering Sea-Kotzebue Area.

WHAT WOULD THE PROPOSAL DO? This proposal would move the start of the herring bait fishery from July 1 to June 15 and allow the herring bait fishery to occur at the same time the CDQ crab fishery is occurring.

WHAT ARE THE CURRENT REGULATIONS? The food and bait season for herring is from July 1 through November 15. The Norton Sound CDQ king crab fishery can occur beginning at noon, June 15 or 72 hours after the commercial beach seine and gillnet herring sac roe fishery is closed, whichever is later through noon on June 28.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The herring bait fishery would occur earlier in the season and likely concurrently with the CDQ crab fishery.

BACKGROUND: In recent years there has been a greatly reduced level of participation in the Norton Sound herring fishery. The number of permits fished has dropped from over 500 in 1988 to less than 50 the last couple of years. The sac roe herring season is opened by emergency order from May 15 through June 30. In recent years the herring quota has been 4,000 to over 5,000 tons, but the harvest has only been approximately 1,000 to 1,500 tons.

Recently, some permit holders have fished for bait during the sac roe season either before the start of sac roe fishing or after sac roe fishing is completed. The buyer sells the bait during the Norton Sound crab fishery. The department has accommodated those permit holders who wish to sell bait by allowing them to use their herring sac roe permit. In 2002 the Board allowed a CDQ crab fishery to occur before the start of the open access crab fishery that starts on July 1. Previously the CDQ fishery occurred after the open access fishery which closed on September 3 or when the quota was reached. There were concerns that if both herring and crab fisheries were occurring at the same time this would lead to enforcement problems. Responding to the concerns the Board allowed a CDQ fishery for crab after the herring season, but it would be required that the sac roe herring fishery be closed for at least 72 hours before the CDQ crab fishery could begin and that the CDQ crab fishery could not begin before June 15.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Recently there has been earlier than normal ice-breakup in Norton Sound and herring have been near shore at Nome in mid-June. Although crab permit holders can get up to one ton of herring for their use as bait, they are interested in having a bait fishery earlier than July 1 to supply the needs of the crab fleet throughout the season. The crab fleet presently needs approximately 100 tons of herring bait. There is a plant in Nome that would be able to

purchase bait and permit holders would not have to buy bait from outside the area. Enforcement and conflict between user groups should not be a problem, because the crab fleet fishes miles offshore and the herring bait fishery would be near shore. Moving the start date of the bait fishery to June 15 would allow herring to be taken before they moved farther north away from the fleet.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SPORT

PROPOSAL 124, PAGE 129, 5AAC 04.320. Fishing periods; and 5AAC 70.022. Waters; seasons; bag, possession, and size limits.

In Norton Sound, when subsistence fishing is closed in an area or during a specific time, all other fishing activities in that same area or during that same time shall be closed, including catch and release fishing.

WHAT WOULD THE PROPOSAL DO? This proposal would close all other fishing, including catch and release sport fishing, for any species, when subsistence fishing is closed.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.160. and 5 AAC 70.022. In the Norton Sound District, fish may be taken at any time with exceptions related to subsistence fishing in specified freshwaters... Sport fishing is permitted year round in the waters of the Northwestern portion of the Arctic-Yukon-Kuskokwim Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? As written, the proposal would close any sport, commercial or personal-use fisheries for any species during a particular time or in a particular area if a subsistence fishery were closed during that time or in that area.

BACKGROUND: Northern Norton Sound has a history of low salmon runs that have required in-season subsistence restrictions and closures. It is the only part of Alaska where Tier II subsistence fisheries have occurred. Sport fisheries for chum salmon, the primary subsistence fish, have been closed in regulation since the early 1990's. Other salmon fisheries are regulated in-season by emergency order in an attempt to reach escapement goals or provide a given number of fish past counting structures on various drainages. Subsistence fishing is prosecuted on a schedule and is regulated to certain reaches of rivers in the Nome sub-district. Throughout Norton Sound, if a subsistence fishery is closed outside the normal subsistence fishing schedule, sport fishing for that species in that drainage is closed by emergency order consistent with the subsistence priority.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The incidental take of the affected species (chum salmon in the Norton Sound district and grayling in selected subdistrict 1 streams) is believed to be so small that there is no biological or conservation reason to close sport fisheries. Sport fisheries for species unaffected by subsistence fishery closures can be conducted in a manner consistent with sustained use.

COST ANALYSIS: The department does not believe that the approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, all finfish in Norton Sound have had a positive C&T finding.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes, in most cases, but subsistence closures have occurred in northern Norton Sound.
4. What amount is reasonably necessary for subsistence use? The Board of Fisheries has made the following determinations of the amounts necessary for subsistence in the Norton Sound / Port Clarence Area: 96,000-160,000 salmon, including 3,430 to 5,716 chum salmon in subdistrict 1 of the Norton Sound District; 33 to 133 short tons of herring; 12,000 to 47,000 pounds of herring roe on kelp; 225,084 to 375,140 pounds of freshwater finfish excluding salmon; 95,789 to 159,648 pounds of all marine finfish excluding salmon and herring; and 52,323 to 87,025 pounds of shellfish.
5. Do regulations provide a reasonable opportunity for subsistence use? Yes, where possible, in some areas Tier II fisheries provide the only limited subsistence opportunity.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Yes, for many chum salmon stocks, and sometimes for other species in certain northern Norton Sound drainages.

PROPOSAL 125, PAGE 130,- 5AAC 70.024 Harvest record required; annual limits.

In Norton Sound: a nontransferable harvest record is required and must be in the possession of each person sport fishing for salmon.

WHAT WOULD THE PROPOSAL DO? This proposal would require anyone sport fishing for salmon in Norton Sound to possess a harvest record to report salmon harvests.

WHAT ARE THE CURRENT REGULATIONS? - 5AAC 70.024. Currently there is no harvest reporting requirement for sport anglers targeting salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require anyone sport fishing for salmon in Norton Sound to obtain, fill out and return a harvest record to the department annually.

BACKGROUND: This proposal was made as a companion to Proposal 120 that would require a subsistence fishing permit in the Port Clarence and Norton Sound (Cape Darby to Cape Douglas) Districts so that all salmon harvested would be recorded in a timely manner. Both proposals would exempt residents of villages where post-season

subsistence surveys are conducted. The department currently monitors the sport fish harvest and effort through the SWHS.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Although this proposal would potentially give more timely sport fish harvest estimates for salmon in Norton Sound, the current SWHS adequately assesses the sport harvest in the most heavily fished waters.

COST ANALYSIS: There would be an increase in cost in terms of time for participants to fill out and return harvest records. The department would incur additional cost for printing, distribution, collection and analysis of harvest records for people participating in these fisheries.

PROPOSAL 126, PAGE 131,- 5AAC 70.22 (b)(1) Waters; seasons; bag; possession; and size limits. Amend this regulation in the Unalakleet River drainage as follows:

Daily bag and possession limit is four salmon, no size limit.

WHAT WOULD THE PROPOSAL DO? This proposal would change the “other salmon” bag limit for the Unalakleet River drainage from five to four.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.22 (14)(I)(iii). Currently the “other salmon” daily bag limit is five with no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? As written, the proposal would reduce the other salmon bag limit for the Unalakleet River to four fish.

BACKGROUND: Chum salmon stocks in western Alaska are currently weak. The coho run in the Unalakleet River has been adequate to support subsistence, sport and limited commercial fishing, but sport and commercial fishing were restricted in 2002 due to a weak run and late timing. The sockeye run in the Unalakleet is very small and undocumented. However, pink salmon escapement counts have averaged in excess of 75,000 fish since 2000.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal due to potential allocation of salmon harvests between user groups. Even though it is unlikely that a reduction from five to four will significantly affect the harvests of chum and coho salmon it will have an affect of decreasing the opportunity to harvest abundant pink salmon.

COST ANALYSIS: The department does not believe that approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 127, PAGE 131,- 5AAC 70.022 (b)(14) Waters; seasons; bag; possession; and size limits. Amend this regulation in the Unalakleet River drainage as follows:

In the entire Unalakleet drainage, the daily bag limit is one king salmon per day, and one in possession. No size limit.

WHAT WOULD THE PROPOSAL DO? This proposal would make the king salmon daily bag limit in the Unalakleet River, one fish of any size. It would rescind the 10 fish under 20-inch statewide king salmon limit for the Unalakleet River drainage.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 70.022 (b)(14)(I)(i) & (ii). Currently the statewide 10 king salmon under 20 inches, and 1 king salmon (over 20 inches) daily bag limits apply on the Unalakleet River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reduce the harvest of small king salmon in the Unalakleet River drainage.

BACKGROUND: The Unalakleet River has one of the farthest north runs of king salmon in western Alaska that supports subsistence, sport, and commercial fisheries. Subsistence harvests have averaged around 2,500 fish annually, sport harvests about 400 fish and commercial harvests have been declining from about 6,400 fish in 1998 to 582 fish in 2000. Since 2000 there have been four commercial king salmon fishery openings.

Recent king salmon escapement data for the Alagnak River showed that fish less than 20 inches in length represented about 1.7% of the total escapement. A companion creel survey found that about 4% of the total king salmon harvest was fish less than 20 inches in length. These data applied to Unalakleet king salmon would equate to between 65-75 king salmon less than 20 inches within the escapement and about 15 fish harvested per year by sport anglers. The recent (2000-2002) average sport harvest has been 380 king salmon while the 10 year average escapement has been 4,400 fish for the entire Unalakleet River drainage. It is likely that king salmon less than 20 inches in length are not harvested within the subsistence or commercial gillnet fisheries.

In Norton Sound some of the local users saw the daily sport fish bag limit for king salmon go from one to eleven in 2001. This raised concern among residents of Unalakleet where the king salmon stocks were considered fully allocated.

DEPARTMENT COMMENTS: The Department does not believe there are any biological or conservation concerns associated with this proposal. We view this proposal as a social rather than a biological issue and are **NEUTRAL** to it.

COST ANALYSIS: The department does not believe that approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? In 1998, the Board of Fisheries made a determination that 96,000 to 165,000 salmon were necessary for subsistence in the Norton Sound / Port Clarence Area. The Board of Fisheries has not made a determination specific to Unalakleet. The average subsistence harvest of chinook in Unalakleet over the past five years (1997-2002) has been 3,644 fish.
5. Do regulations provide a reasonable opportunity for subsistence use? Yes.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Yes, during years when it appeared that the escapement goal on the Unalakleet River might not be met, the King Salmon sport fishery has been closed to harvest.

PROPOSAL 128, PAGE 132,- 5AAC 70.022 (b) Waters; seasons; bag; possession; and size limits. Amend this regulation in the Unalakleet River drainage as follows:

Guide boats: Fishing is allowed only from 6:00am to 6:00pm. Fishing is not allowed on Sundays or Mondays during June, August and September.

WHAT WOULD THE PROPOSAL DO? This proposal would limit guided sport fishing on the Unalakleet River during June, August and September to Tuesday through Saturday 6:00am to 6:00pm.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 70.022 (b). Currently there are no restrictions on sport fish guiding on the Unalakleet River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would restrict guiding on the Unalakleet River from 6:00am through 6:00pm, Tuesday through Saturday during June, August and September. It would effectively reduce guided sport fishing by 2 days per week for three months.

BACKGROUND: There have been no restrictions on sport fish guiding on the Unalakleet River in the past. There is one lodge on the river that hosts up to 15 anglers per week. There is also some guiding by local individuals from Unalakleet, however, the lodge provides services for the majority of guided anglers using the river. Currently, guiding accounts for about 15-20% of the sport fishing effort on the river with only one

major guide operation focusing on the river. The king salmon fishery in Unalakleet is the only major sport fishery for this species in northwestern Alaska. Estimated harvests have been relatively stable with an average of about 400 fish taken annually over the past five years, and ranged from 250 in 2001 to 544 in 2002.

DEPARTMENT COMMENTS: The department views this as a social issue and is **NEUTRAL** on the proposal.

COST ANALYSIS: The department does not believe that approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 129, PAGE 132,- 5 AAC 70.22 (b) Waters; seasons; bag possession, and size limits, and 5 AAC 70.024 Harvest record required, annual limits. Amend this regulation in the Unalakleet River drainage as follows:

The annual limit in the Unalakleet River drainage is four king salmon, with no more than two harvested from the North River drainage.

WHAT WOULD THE PROPOSAL DO? This proposal would set an annual bag limit of four king salmon for the Unalakleet River, only two of which could be harvested from the North River drainage.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.22 (b)(I)(i-ii). In the Unalakleet River drainage: the bag and possession limit for king salmon 20 inches or greater in length is one fish; the bag and possession limit for king salmon greater than 20 inches in length is 10 fish. There are no annual limits for king salmon within the Unalakleet River drainage.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would set an annual limit of four king salmon on the Unalakleet River, only two of which could be harvested from the North River.

BACKGROUND: The king salmon fishery in the Unalakleet River is the only major sport fishery for this species in northwestern Alaska. Estimated harvests have been relatively stable with an average of about 400 fish taken annually over the past five years, ranging from 250 in 2001 to 544 in 2002. Radio tagging conducted in 1997 and 1998 indicated that about 40% of the king salmon in the Unalakleet drainage spawned in the North River. A review of 2000-2002 king salmon harvest statistics show that anglers harvest 1 king salmon for every three days fished. This information suggests that adopting this proposal would not reduce the harvest of king salmon in the Unalakleet River drainage.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because of its allocative nature.

COST ANALYSIS: The department does not believe that approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

COMMITTEE D-KUSKOKWIM AREA SALMON AND HERRING

SUBSISTENCE

PROPOSALS 130 and 131: Pages 133-134. 5 AAC 07.365 (c). Kuskokwim River Salmon Rebuilding Management Plan and 5 AAC 01.260. Fishing seasons and periods.

WHAT WOULD THE PROPOSAL DO? Adoption of these proposals would provide for subsistence fishing with gillnets and fish wheels seven days per week, 24 hours per day in the Kuskokwim River and tributaries upstream of Bogus Creek, the upper boundary of District 1 in the Kuskokwim River drainage.

WHAT ARE THE CURRENT REGULATIONS? The Kuskokwim River Salmon Rebuilding Management Plan directs implementation of the subsistence-fishing schedule by emergency order. The subsistence fishing schedule allows subsistence fishing with gillnets and fish wheels for four consecutive days per week in June and July in the waters of the mainstem and tributaries of the Kuskokwim River drainage. During the three seasons the subsistence-fishing schedule has been implemented, the schedule went into effect from the mouth of the Kuskokwim River upstream to Bogus Creek the first week of June, from the mouth of the Kuskokwim River upstream to Chabathuluk the second week of June and drainage wide the third week of June.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be an increased exploitation rate in this section of the river on the early segment of the king salmon run. Providing windows of opportunity for fish to pass with reduced exploitation has spread the subsistence harvest of king and chum salmon across the run and allowed fish to be more available upriver for subsistence use. The exploitation rate of king salmon along this course of the river is thought to be low.

BACKGROUND: The Kuskokwim River Salmon Rebuilding Management Plan, which directs implementation of the subsistence fishing schedule, was adopted by the Board during the January 2001 meeting to address king and chum salmon yield concerns as defined by 5 AAC 39.222. Policy for the Management of Sustainable Salmon Fisheries. Approximately 15%-20% of the Kuskokwim River subsistence king salmon harvest has occurred upstream of Bogus Creek, the upper District 1 boundary. Residents of approximately 13 communities, spread out over 550 river miles, participate in the harvest upstream of Bogus Creek. The subsistence fishing schedule has been established each season to provide for sustained yield of salmon stocks to meet escapement goals, amounts necessary for subsistence, and for fisheries other than subsistence. The fishing schedule remained in effect during June and July during the 2001 season, through June 29 during the 2002 season and through July 6 during the 2003 season.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal and supports retaining the subsistence-fishing schedule drainage wide, which shares the burden of conservation toward rebuilding of the Kuskokwim River king and chum salmon fisheries.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 132: Page 135. 5 AAC 01.260(b). Fishing seasons and periods; 5 AAC 05.360(d) and (e). Yukon River King Salmon Management Plan; 5 AAC 07.310. Fishing seasons; 5 AAC 07.320. Fishing periods; and 5 AAC 07.365 Kuskokwim River Salmon Rebuilding Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal, as it applies to the Kuskokwim River, is intended to establish and maintain the subsistence-fishing schedule for June and July regardless of run size and fishery status.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow for the department to provide for seven day per week subsistence fishing and commercial fishing if king and chum salmon run strength is great enough to provide for escapements, amounts necessary for subsistence and other uses.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Regardless of king and chum salmon run strength the subsistence-fishing schedule would remain in effect during June and July.

BACKGROUND: The Kuskokwim River Salmon Rebuilding Management plan, which directs implementation of the subsistence fishing schedule, was adopted by the BOF during the January 2001 meeting to address chinook and chum salmon yield concerns as defined by 5 AAC 39.222. Policy for the Management of Sustainable Salmon Fisheries. The fishing schedule has been established each season to manage the Kuskokwim River salmon fishery to provide for sustained yield of salmon stocks to meet escapement goals, amounts necessary for subsistence, and for fisheries other than subsistence. The fishing schedule remained in effect during June and July during the 2001 season, through June 29 during the 2002 season and through July 6 during the 2003 season.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal and supports going off the subsistence-fishing schedule when run strength is great enough to meet escapement goals, the amounts necessary for subsistence and fisheries other than subsistence.

COST ANALYSIS: The department does not believe that approval of this will result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 133: Page 136. 5 AAC 07.365(d)(3). Kuskokwim River Salmon Rebuilding Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the Kuskokwim River Salmon Rebuilding Management Plan to provide the department a clear avenue to provide subsistence fishing seven days per week without implementing a commercial salmon fishery.

WHAT ARE THE CURRENT REGULATIONS? The Kuskokwim River Salmon Management Plan currently governs fishery management of Kuskokwim River salmon. The management plan provides clear direction regarding the intent of the plan and establishment of a four day per week subsistence fishing schedule in June and July. The plan also provides clear direction to modify the plan if in season indicators indicate it is necessary for conservation purposes. However, the plan can be interpreted several different ways regarding liberalizing the subsistence fishing schedule.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of the proposal would modify the language, which provides direction to the department to liberalize the subsistence-fishing schedule and implement a commercial fishery.

BACKGROUND: The Kuskokwim River Salmon Rebuilding Management plan, which directs implementation of the subsistence fishing schedule, was adopted by the BOF during the January 2001 meeting to address chinook and chum salmon yield concerns as defined by 5 AAC 39.222. Policy for the Management of Sustainable Salmon Fisheries. The subsistence fishing schedule was implemented in the Kuskokwim River salmon fishery during each of the last three seasons to provide for escapement goals, to meet the amounts necessary for subsistence, and for fisheries other than subsistence. During the 2001 season the subsistence fishery remained on the schedule for June and July. During the 2002 season the subsistence fishery went to a seven day per week schedule June 29 under the justification that indicators of run strength indicated sufficient harvest abundance to allow a commercial fishery. During the 2003 season the subsistence fishery went to a seven day per week schedule July 6 under the justification that there was sufficient abundance of chinook and chum salmon to meet escapement goals, amounts necessary for subsistence, and for other uses.

DEPARTMENT COMMENTS: The department is in **SUPPORT** of the concept of this proposal but may offer amended language during the Board of Fisheries meeting to achieve the same goal. Rather than only making the change in this regulation in paragraph (d) it may be appropriate to address this issue in paragraph c) in reference to the subsistence fishery.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 134: Page 136. 5 AAC 01.260. Fishing seasons and periods.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would make the subsistence fishing regulations in the Kuskokuak Slough the same as the adjacent waters of District 1. Additionally, adoption of this proposal would modify the subsistence fishing regulations to reference the Kuskokwim River Salmon Rebuilding Management Plan. This is appropriate since direction for management of the subsistence fishery is found within the rebuilding plan.

WHAT ARE THE CURRENT REGULATIONS? There are two differences in the subsistence fishing regulations as they apply to Kuskokuak Slough versus the remaining waters of the Kuskokwim River drainage downstream of Bogus Creek. These differences include: 1) from June 1 to July 31 subsistence fishing can occur immediately after commercial fishing periods in the Kuskokuak Slough, and 2) after July 31 subsistence fishing in the Kuskokuak Slough can occur prior to, during and after commercial fishing periods.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the need for the Department to annually issue an

emergency order establishing a subsistence fishing schedule for Kuskokuak Slough to mirror the remainder of Kuskokwim River waters downstream of Bogus Creek.

BACKGROUND: During the last several commercial fishing seasons, the department by emergency order authority has made the subsistence fishing schedule in Kuskokuak Slough the same as the remaining Kuskokwim River drainage waters downstream of Bogus Creek (District 1). Prior to the department issuing emergency orders to make the subsistence fishing schedule in Kuskokuak Slough the same as the main river and other sloughs, few subsistence fishers were aware of the increased fishing opportunity in Kuskokuak Slough. Therefore, the difference in the current Kuskokuak Slough subsistence-fishing regulation compared to remaining Kuskokwim River drainage waters downstream of Bogus Creek (District 1) is of low significance.

DEPARTMENT COMMENTS: This is a department housekeeping proposal that the department continues to **SUPPORT**.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.



Proposal 134. Make the subsistence fishing regulations in the Kuskokuak Slough the same as the adjacent waters of District 1.

PROPOSAL 135: Page 137. 5 AAC 01.270(g). Lawful gear and gear specifications and operation.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow the use of kegs or buoys attached to subsistence gillnets to be any color except red during any weekly commercial salmon fishing period, except in the Calista-AVCP region, where kegs or buoys of any color, including red may be used.

WHAT ARE THE CURRENT REGULATIONS? The current regulation is that kegs or buoys attached to subsistence gillnets may be any color except red during any open weekly commercial salmon fishing period.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would make the common practice of the use of kegs or buoys attached to subsistence gillnets to be any color including red during any period open to subsistence fishing.

BACKGROUND: Kuskokwim Area subsistence fishing regulations in general prohibit subsistence fishing 16 hours before, during and 6 hours after commercial fishing periods. Since there has been a separation in time between the subsistence and commercial fishing periods the current buoy color requirement has not been enforced. The regulation was initially implemented when commercial and subsistence fisheries occurred simultaneously.

DEPARTMENT COMMENTS: The department is in **SUPPORT** of allowing the use of any color of keg or buoy in the subsistence gillnet fishery and provides the following amended language: 5 AAC 01.260. Fishing Seasons and Periods. (g) Kegs or buoys attached to subsistence gillnets may be any color. The department sees no reason to limit the use of red buoys to only the Calista-AVCP region. The Federal Subsistence Board did adopt a similar federal proposal at their December 2003 meeting.

COST ANALYSIS: The department believes that approval of this proposal may reduce the cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 136: Page 138. 5 AAC 01.270(h). Lawful gear and gear specifications and operation.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow the maximum depth of subsistence gillnets, regardless of mesh size to be 45 meshes deep.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide that gillnets of six inch or smaller mesh size may not be more than 45 meshes deep and gill nets greater than six inch mesh size may not be more than 35 meshes deep.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would make it legal for fishers to use gill nets with mesh size greater than six inch mesh (king salmon gear) to be up to 45 meshes deep. Subsistence fishers would become more effective at catching king salmon.

BACKGROUND: Commercial gillnets are restricted to a mesh size less than or equal to six inches. Review of reports and prior year Board of Fisheries material indicates the current regulations have been in effect for over 20 years. It has been estimated that there are currently 20-40 fishers operating 45 mesh deep king salmon gear in the Kuskokwim River. Over time as fishers replace gillnets the use would become more common. Typically, gillnets targeting king salmon are 8 inch or greater mesh size. Therefore, the increase in the depth from a 35 mesh deep net to a 45 mesh deep net would be approximately 80 inches or six and half feet.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. An increase in the depth of gillnets would increase the efficiency and harvest rate of king salmon, which is a stock of concern, and undermine the objectives of the Kuskokwim River Salmon Rebuilding Management Plan. The Federal Subsistence Board did not adopt a similar federal proposal at their December 2003 meeting.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

PROPOSAL 137: Page 138. 5 AAC 01.295. Aniak River bag and possession limits.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would eliminate subsistence rod and reel fishery limitations regarding bag or possession limits for fish on the Aniak River upstream of its confluence with Doestock Creek.

WHAT ARE THE CURRENT REGULATIONS? From June 1 through August 31, when subsistence fishing with a hook and line attached to a rod or pole, in that portion of the Aniak River drainage upstream of Doestock Creek, the aggregate daily bag and possession limit is six fish, of which no more than three fish may be salmon, of which no more than two fish may be chinook salmon; and rainbow trout may not be retained.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the bag and possession limits for fish from June 1 through August 31 when subsistence fishing with a hook and line attached to a rod or pole, in that

portion of the Aniak River drainage upstream of Doestock Creek. Drainage wide subsistence fishing regulations provide that there is no open season for rainbow trout, except rainbow trout taken incidentally in other subsistence finfish net fisheries and through the ice, are lawfully taken and may be retained for subsistence purposes.

BACKGROUND: Salmon may be taken in the Kuskokwim Area subsistence fisheries by gillnet, beach seine, a hook and line attached to a rod or pole, hand line or fish wheel. Fish other than salmon may be taken set gillnet, drift gillnet, beach seine, fish wheel, pot, longline, fyke net, dip net, jigging gear, spear, a hook and line, attached to a rod or pile, hand line or lead. There is no closed season on fish other than salmon and rainbow trout. Salmon may not be taken by nets 16 hours prior to, during and six hours after commercial fishing periods. Rainbow trout taken incidentally, in other subsistence finfish net fisheries and through the ice, are lawfully taken and may be retained for subsistence purposes. The subsistence harvest of fish by hook and line gear has been legal since 2000 in the Kuskokwim Area. Hook and line subsistence fishing is open year round in the Kuskokwim Area. Within the Kuskokwim Area, the only subsistence fishing bag and possession limits in effect are in the Aniak River hook and line fishery upstream of its confluence with the Doestock from June 1 through August 31. Gillnets may be used to subsistence fish in the Aniak River upstream of its confluence with the Doestock from June 1 through August 31. All Alaska residents are eligible to participate in Kuskokwim Area subsistence fisheries, including hook and line subsistence fisheries.

DEPARTMENT COMMENTS: The department is in **SUPPORT** of this proposal to make the subsistence rod and reel fishery in the Aniak River upstream of Doestock Creek the same as all other Kuskokwim River tributaries.

COST ANALYSIS: The department does not believe that approval of this will result in any additional direct costs for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Kuskokwim River Drainage.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? The Board has determined the following ranges by species are necessary to meet subsistence needs.

King Salmon	64,500-83,000
Chum Salmon	39,500-75,500
Sockeye Salmon	27,500-39,500
Coho Salmon	24,500-35,000

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this finding.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Generally no, however, recently commercial fishing has been curtailed in order to meet escapement and subsistence needs.

COMMERCIAL

PROPOSAL 138: Page 139. 5 AAC 07.200(c). Fishing districts.

WHAT WOULD THE PROPOSAL DO?

Adoption of this proposal would extend the northern District 4 boundary approximately three miles from Oyak Creek to the northern most edge of the mouth of Weelung Creek.

WHAT ARE THE CURRENT REGULATIONS? District 4 consists of the area between the southern most edge of the south mouth of the Arolik River to the northern most edge of the mouth of Oyak Creek and extending 3 miles westerly into Kuskokwim Bay.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Adoption of this proposal would increase the area of District 4 an additional 3 miles northward toward the mouth of the Kuskokwim River. This would increase fishing area that is quite limited during times of medium to low water when only tidal guts are flooded. The increase in area may additionally draw Kuskokwim Area fishers that have not recently participated in the area since all Kuskokwim CFEC salmon permit holders are eligible to fish in any Kuskokwim Area district.

BACKGROUND: During the January 2001 Board meeting, to lower the harvest potential of Kuskokwim River salmon in the District 4 commercial fishery, the northern boundary of District 4 was moved three miles south to Oyak Creek.

A tagging project took place in Kuskokwim Bay during 1970. Results from the study were inconclusive as to the proportion of Kuskokwim River salmon stocks within the harvest. However, a few fish captured and tagged within the district boundaries were recovered in Kuskokwim River and Bristol Bay Area rivers.

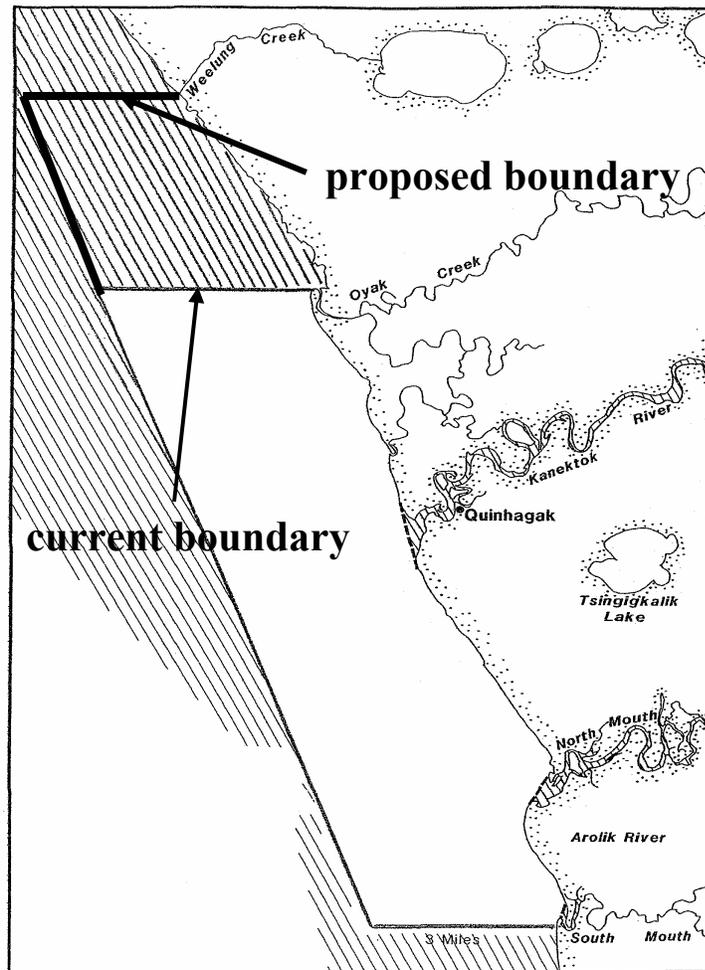
The original District W-4 boundary established in 1960 consisted of the area between the northern most edge of the mouth of Oyak Creek to the southern most tip of the south mouth of the Arolik River and extending 3 miles westerly into Kuskokwim Bay. In 1990, the northern boundary was moved north to the northern most edge of Weelung Creek. This was in response to a substantial increase in the number of permit holders participating in the district beginning in the mid-1980s. The reason the fishing area was increased was to address crowding in association with optimal fishing spots. In 1997, the boundary was moved by emergency order to Oyak Creek to minimize the inception of Kuskokwim River chum salmon in the District W-4 commercial fishery. The emergency order was in effect from July 14 through July 28. After July 28, the District W-4 boundaries reverted back to their original positions.

DEPARTMENT COMMENTS: The department is in **SUPPORT** of this proposal to increase the length of the District 4 by moving the northern district boundary three miles north to Weelung Creek where it was during the 1990 to 2000 seasons. It has not been possible to quantify any reduction in harvest of Kuskokwim River salmon during the past three seasons as a result of the reduction in size of the district at the 2001 Board meeting.

In fact, because of declining salmon markets and prices paid for salmon, the harvest in District 4 has declined due to lower fishing effort and processing capacity.

During the last two years there has been a harvestable surplus of chum salmon in the Kuskokwim River. There is no market for these fish. Currently, the Kuskokwim Bay fisheries are the only Area commercial fisheries during June and July. The department has the authority to reduce the area open to commercial fishing by emergency order if a conservation issue is identified.

COST ANALYSIS: The department does not believe that approval of this will result in any additional direct cost for a private person to participate in this fishery.



Proposal 138. Move northern boundary of District 4 northward from Oyak Creek to Weelung Creek.

PROPOSAL 139: Page 141. 5 AAC 07.200. Fishing districts.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would extend the western boundary of the District W-5 boundary slightly outside of Goodnews Bay, to a line drawn from a point located 2 miles up the coastline from the entrance of Goodnews Bay, to a point located 2 miles down the coastline from the entrance of Goodnews Bay. The eastern boundary would remain the same.

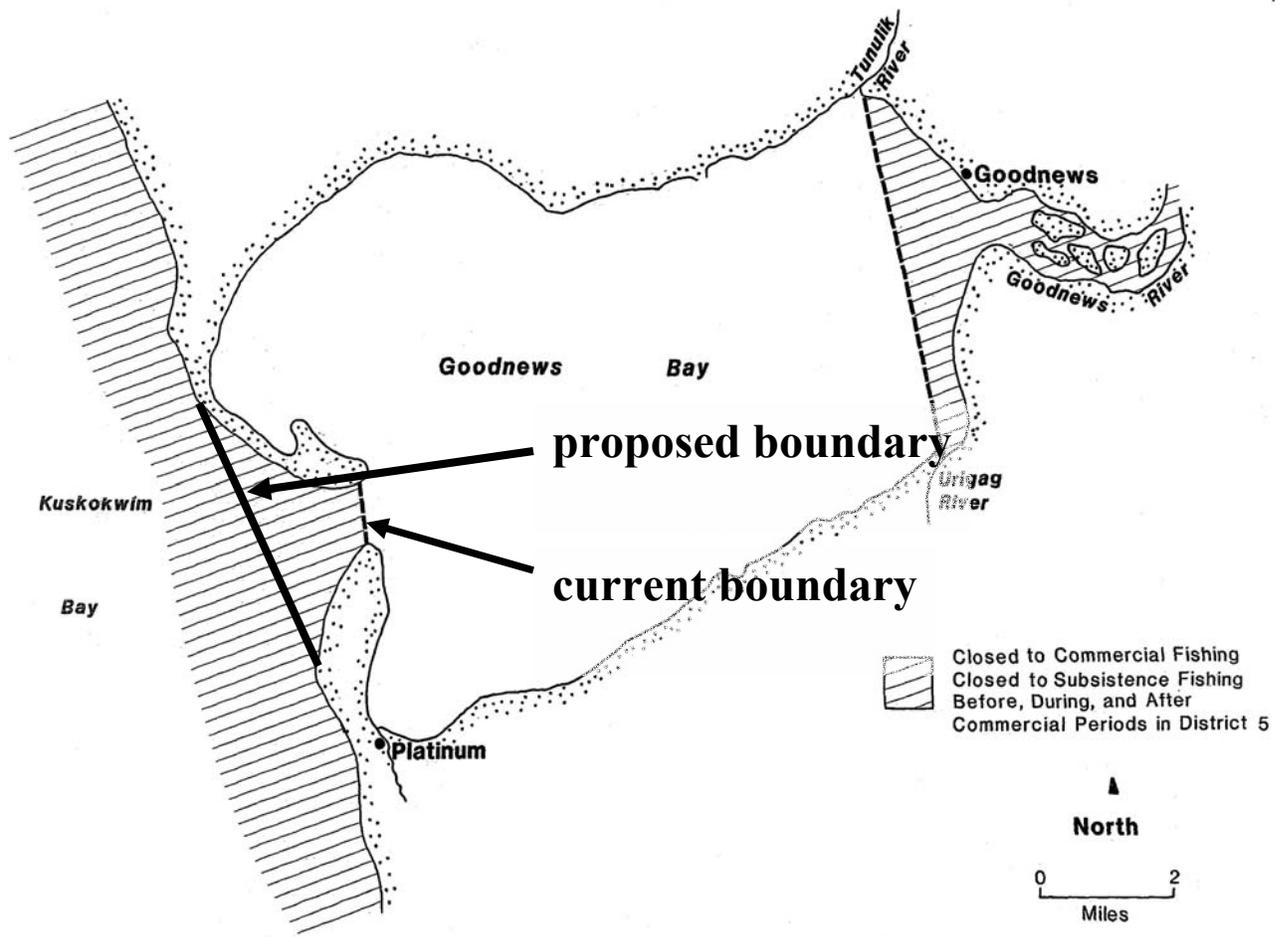
WHAT ARE THE CURRENT REGULATIONS? The western boundary of District W-5 consists of a line drawn between the northern most tip of the south spit to the southern most tip of the north spit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Extending the western boundary of District W-5 will increase the area open to commercial fishing, increase the area of the district in which fishers may participate during low water, may increase the quality of the harvest and potentially may increase the harvest of salmon bound for other areas.

BACKGROUND: The current District W-5 boundaries have not changed since the inception of the commercial fishery in 1968. District W-5 waters are currently within Goodnews Bay proper and it is assumed that the harvest of salmon is made up primarily of fish bound for the Goodnews River drainage. Crowding was a problem in the fishery during the late to mid-1990's with 118 permits being fished in 1996. In recent years, the number of permits fishing the district has decreased substantially with approximately 34 permits being fished during the 2003 season. During recent years low water levels and dry summers in Goodnews Bay has resulted in an increase the abundance of a filamentous algae. The alga becomes entangled in fishing nets and clogs outboard motors, making commercial fishing difficult. The abundance of algae during portions of the season cause commercial fishers to drop out of the fishery. Algae in the western portion of District W-5 are less prevalent as the current associated with tides moving in and out between the north and south spits keep this area clear of algae.

DEPARTMENT COMMENTS: The department is in **SUPPORT** of this proposal to increase the area of District W-5 to provide a better opportunity for area fishers to harvest Goodnews Bay bound salmon. It is unlikely that a significant harvest of fish bound for other areas will occur as a result of this modest boundary extension.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.



Proposal 139. Move western boundary of District 5.

PROPOSAL 140: Page 141. 5 AAC 07.367. District 4 Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal would open the District W-4 commercial salmon fishery after June 16.

WHAT ARE THE CURRENT REGULATIONS? The District W-4 commercial salmon fishery is to open before June 16.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would result in the loss of a 12-hour commercial fishing period during most years. The average harvest during this first period is approximately 3,000 king salmon, and 150 sockeye salmon.

BACKGROUND: The District 4 Salmon Management Plan has been in effect since 1988. The objective of the management plan is to maintain a level of sustained yield which will provide for the subsistence needs, the long term health of the commercial and sport fishing industries, and recreational opportunities in the district and freshwater systems flowing into the district. The management plan directs the department to open the fishery prior to June 16 and allow at least one commercial fishing period per week unless there is a severe conservation problem. Typically, during the early season a fishing schedule of two 12-hour periods per week is generally established with the first period prior to June 16. In years in which subsistence fishing harvests are slow, such as the 2001 season, the first period is delayed until subsistence fishers have reported meeting their needs. The first period during the 2001 season was June 21.

All Kuskokwim commercial salmon CFEC permit holders are eligible to fish in any or all Kuskokwim Area salmon fishery districts.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal, as a harvestable surplus of king salmon is available prior to June 16 during most years. During those years in which a harvestable surplus of salmon is not available and amounts of salmon necessary for subsistence are not achieved by area residents on their usual schedule, the commercial fishery has been and will continue to be delayed until sometime after June 16.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 141: Page 142. 5 AAC 07.331(a). Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would increase the aggregate length of a set or drift gillnet from 50 fathoms to 100 fathoms in the District 4 and District 5 fisheries. Additionally, adoption of this proposal would provide the department emergency order authority to decrease the allowable aggregate length of set or drift gillnets from 100 fathoms to 50 fathoms for conservation purposes based on the level of abundance.

WHAT ARE THE CURRENT REGULATIONS? The aggregate length of a set or drift gill net may not exceed 50 fathoms in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would increase the efficiency of the fishery participants. The number of permits fished in both District 4 and 5 for the last three seasons has been less than half peak participation levels during the 1990s. Therefore, even with the increase in the aggregate length of a set or drift gillnet by 100% the potential harvest still will be less than during peak participation in the fishery.

BACKGROUND: Participation in the District 4 fishery peaked in 1994 with 118 permits being fished. During the 2003 season only 34 permits were fished. Participation in the District 5 fishery peaked in 1993 with 409 permits being fished. During the 2003 season only 114 permits were fished. The decline in the value of fish coupled with increased fuel costs, and an increase in other area job opportunities has resulted in a steady decrease in the number of permits fished in these fisheries. As a result the commercial salmon harvests in Districts 4 and 5 have been below historical averages.

DEPARTMENT COMMENTS: The department is in **SUPPORT** of the concept of this proposal. Increasing the amount of allowable gear would provide an opportunity for those fishers that participate to increase their catch and therefore, the value of their harvest. These are small boat fisheries, which may make fishing multiple units of gear difficult, so it is unlikely that increasing the allowable gear will greatly increase efficiency. However, the department recommends that substitute language be adopted which will provide the department emergency order authority to increase the aggregate length of gear from 50 to 100 fathoms when there is a harvestable surplus of salmon, rather than provide the department emergency order authority to decrease the aggregate length of gear from 100 to 50 fathoms to address a conservation issue.

In review of Kuskokwim River chinook and chum salmon stocks of concern since the 2001 season, it has not been possible to quantify any harvest of Kuskokwim River salmon in Districts 4 and 5 fisheries. In fact, because of declining salmon markets and prices paid for salmon, the harvest in District 4 and 5 has declined due to lower fishing effort and processing capacity.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 142: Page 142. 5 AAC 27.899(a). Superexclusive use areas in Kuskokwim Area.

WHAT WOULD THE PROPOSAL DO? Repeal herring superexclusive use regulations in the Goodnews Bay District.

WHAT ARE THE CURRENT REGULATIONS? The Goodnews Bay District is a superexclusive use area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal was adopted fishers that fished in other herring fisheries may additionally participate in the Goodnews Bay District.

BACKGROUND: Goodnews Bay has had a superexclusive designation since the early 1980's. During that time period, high levels of participation characterized the fishery. For the last several years, a decrease in value of herring, increased fuel prices and other area job opportunities has resulted in a sharp decrease in the number of permit holders participating in the fishery. The result has been a steady decrease in the annual commercial harvests. In 2002 and 2003, less than 10 permit holders fished the district. During the 2003 season the only processor present departed the district because of the lack of participation and harvest potential in the fishery.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal because it is an allocation issue. The intent of the superexclusive use designation for the Goodnews Bay herring fishery was to protect local fishers by limiting effort to some extent. However, the Board may wish to consider lifting this designation to allow fishers that fish other herring fisheries to participate in the fishery in order to attract a processor to the area. This may allow the few local fishers that still want to participate in the fishery an opportunity to fish.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

SPORT

PROPOSAL 104B, PAGE 106, 5 AAC 70.022(e)(12)(G)(i-x). Waters; seasons; bag, possession, and size limits; AND 5 AAC 70.023(d)(1). Special provisions for methods and means. Amend these regulations in the Aniak River drainage to provide the following:

Revert the Aniak River salmon regulations back to the background regulations for the Kuskokwim River drainage.

WHAT WOULD THE PROPOSAL DO? This proposal would align the Aniak River salmon sport fishing regulations with the background regulations within the Kuskokwim drainage.

Bag and possession limits for salmon would be as follows:

King salmon	3 per day, only 2 over 28 inches
Other salmon	5 per day in combination, no size limit

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(e)(G)(iv-x) and 5 AAC 70.023(d)(1) and 75.018. King salmon may be taken from May 1 through July 25, two per day, with a 20 inch minimum length limit, and an annual bag limit of two. The bag and possession limit for king salmon less than 20 inches in length is 10 fish. Pink, sockeye, and coho salmon may be taken year round with an aggregate daily bag limit of three fish; this aggregate daily bag limit includes any king salmon harvested, up to two per day. Chum salmon may not be possessed or retained. In the Aniak River drainage above Doestock Creek, only unbaited, single-hook, artificial lures may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Salmon regulations for the Aniak River would revert to the less conservative Kuskokwim Area background regulations.

BACKGROUND. Concerns from the Central Kuskokwim Advisory Committee prompted the BOF to create the Aniak River Salmon Management Plan during the March 2000 meeting (outside of the regular three year cycle). This temporary plan was a series of species-specific regulations restricting bag/possession limits and implementing catch and release for chum and coho salmon. This action created the most restrictive remote sport fishery within the State. The sunset clause attached to the Aniak Management Plans required the BOF to review this set of regulations during the January 2001 meeting.

During the 2001 BOF meeting, a new set of salmon regulations were adopted for the Aniak River. These regulations were adopted primarily due to local concerns over increases in sport angling, and concerns over Kuskokwim salmon stocks.

With the current restrictive regulations on the Aniak River, angler effort has declined from an average of over 4,000 angler days between 1995 and 1999 to an average of 2,317 between 2000 and 2002. Estimated sport harvests of king salmon have dropped from an average of 572 between 1995 and 1999 to an average of 52 fish between 2000 and 2002. Estimated sport catches of king salmon dropped from an average of 5,543 between 1995

and 1999 to an average of 969 between 2000 and 2002. Estimated harvests of chum salmon have been zero for 2000-2002. Although, the Kuskokwim chum and king salmon stocks are listed as stocks of concern, these stocks have met or exceeded escapement indices for the last several years.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is allocative.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

PROPOSAL 105, PAGE 107, 5 AAC 70.022(e). Waters; seasons; bag, possession and size limits. Special provisions for methods and means. Amend these regulations in the Kanektok River drainage as follows:

For non-resident anglers the annual limit of king salmon is 3 fish over 20 inches, only two greater than 28 inches. The daily limit is 10 king salmon less than 20 inches. Any king salmon removed from the water becomes part of the daily bag limit.

WHAT WOULD THE PROPOSAL DO? An annual limit of 3 king salmon over 20 inches, only 2 over 28 inches in length would be instituted for non-resident anglers. Also, any king salmon that is removed from the water would become part of the angler's bag limit. King salmon harvests of fish over 20 inches in length by non-resident anglers would have to be recorded.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(e)(12)(D) and 75.018. The bag and possession limit for king salmon is three a day, of which only two fish can be greater than 28 inches in length. The bag and possession limit for king salmon less than 20 inches in length is 10 fish. Anglers may sport fish for king salmon from May 1 through 25 July.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Non-resident sport anglers would have a king salmon annual bag and possession limit that would be equivalent to one daily bag limit of king salmon greater than 20 inches in length from the Kanektok River.

BACKGROUND: In the past the BOF has adopted annual bag limits for king salmon as a conservation measure to maximize angler opportunity in those fisheries that have the potential to fully utilize the available surplus.

Angler effort in the Kanektok sport fishery has averaged 7,400 angler days from 2000-2002. The harvest has averaged about 500 fish and the catch about 6,500 king salmon annually. The escapement of king salmon into this drainage has varied considerably with

high water events precluding obtaining accurate counts in some years, the 2003 escapement count was approximately 5,400 king salmon.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is allocative. There is no biological or conservation concern for the king salmon resource of the Kanektok River.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

PROPOSAL 143, PAGE 143, 5 AAC 70.023(d). Special provisions for methods and means. Amend this regulation in the Kwethluk area as follows:

Beginning at the confluence of the Akulikutak and Kwethluk rivers the use of jet-driven or propeller-driven outboard motors larger than 40 horsepower are prohibited.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the use of jet boats and boats powered with propeller-drive outboards greater than 40 horsepower upstream of the confluence of the Akulikutak and the Kwethluk rivers.

WHAT ARE THE CURRENT REGULATIONS? There are no horsepower or outboard restrictions in the Kwethluk River drainage.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Only propeller or jet-driven boats with a 40 horsepower or less outboard motor would be able to travel upstream of the Akulikutak River confluence in the Kwethluk drainage. This would affect all users.

BACKGROUND. The Kwethluk River is approximately 20 miles upstream of Bethel and is the closest Kuskokwim tributary to the community. Many Bethel residents and other people use the Kwethluk River as a travel corridor while conducting subsistence and recreational activities. The residents of Kwethluk are becoming increasingly concerned regarding fishery resources, trespassing and increased use within the watershed.

A similar proposal was heard during public testimony during the 2001 AYK BOF meeting from a member of the Kwethluk Joint Group. The Board provided direction on steps necessary to proceed with any access restriction that affected multiple users under the jurisdiction of several agencies. The Board's authority to limit access to navigable waters is related only to uses directly involved in fishing, and must also be related to a conservation concern.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. There is no information that indicates a biological concern exists or that habitat degradation is occurring from outboard or jet boat use in the Kwethluk river drainage.

COST ANALYSIS. Adoption of this proposal would result in an additional direct cost for the private person to participate in fisheries within the Kwethluk drainage for individuals who currently use a boat powered by a motor larger than 40 horse power.

PROPOSAL 144, PAGE 143, 5 AAC 70.022(e)(12)(J). Waters; seasons; bag, possession, and size limits. Amend this regulation as follows:

In the Kwethluk River, sport fishing is prohibited.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate recreational fishing in the Kwethluk River drainage.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.022(e). Sport fishing is permitted year round in all the waters of the Kuskokwim-Goodnews portion of the Arctic-Yukon-Kuskokwim Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted all sport fishing for both salmon and resident fish species would be eliminated.

BACKGROUND. The Kwethluk River recreational fisheries are characterized by high catch with low harvest. Over the last five years, average estimated sport angling effort has been 1,621 angler-days. Total estimated annual sport catch of king salmon, coho salmon, chum salmon, and rainbow trout combined over the past five years averaged 3,528 fish, total estimated annual sport harvest of those species combined for the same time period is 402 fish. There have been numerous regulations that have reduced harvest rates of resident species, including those imposed in 1997 which established the Kwethluk rainbow trout fishery as being regulated under the Southwest Alaska Rainbow Trout Management Plan. These restrictions were supported by the Kwethluk Joint Group and other local organizations. The Kwethluk River is the closest Kuskokwim tributary to the community of Bethel and many Bethel residents use this river for fishing. Sport anglers are primarily non-residents who access the Kwethluk from the headwaters and use the river for float trips. The vast majority of motorized boat traffic passing the Village of Kwethluk is from local residents.

DEPARTMENT COMMENTS. The Department is **OPPOSED** to this proposal. There are no biological or conservation concerns related to any salmon or resident species within the Kwethluk River drainage.

COST ANALYSIS. Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

PROPOSAL 145, PAGE 144, 5 AAC 07.365(e). Kuskokwim River Salmon Rebuilding Management Plan. Amend this regulation to provide the following:

The sport fishery in the Kuskokwim drainage shall be managed in accordance with the subsistence salmon gillnet and fishwheel schedule.

WHAT WOULD THE PROPOSAL DO? During the months of June and July the salmon sport fishery would be open only when the subsistence gillnet and fishwheel fishery is open. The subsistence gillnet and fishwheel schedule is open for four (4) consecutive days per week in June and July.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.365(c,e)(1) and 5 AAC 70.022 (e)(12) (B,C,D,E,G). Subsistence salmon net and fish wheel fisheries will be open for four consecutive days per week in June and July as announced by emergency order; however, the commissioner may alter fishing periods by emergency order if the commissioner determines that inseason indicators indicate it is necessary for conservation purposes. In the sport fisheries, king salmon may be taken from May 1 through July 25 in all waters, with a bag and possession limit of three fish, of which only two may be over 28 inches, except that in the Aniak River, there is an annual bag and possession limit of two fish with a 20 inch minimum length limit. The sport fisheries for salmon are managed based on the level of abundance, and if pre-season or in-season data indicate a conservation concern, the fishery will be further restricted or closed by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Sport fishing for king and chum salmon would only be allowed on days when subsistence salmon gillnet and fishwheels is allowed. This would require sport anglers to monitor openings and closings via EO from numerous remote locations in order to determine when sport angling is permitted. It is likely that imposing an unpredictable fishing schedule on sport anglers would have an adverse affect upon the sport fishing industry's ability to attract clients.

BACKGROUND. During January 2001, the Alaska Board of Fisheries adopted the Kuskokwim Salmon rebuilding plan and initiated a gillnet and fishwheel subsistence schedule during the months of June and July, provided specific guidelines for commercial fishing opportunities, and directed management of sport fisheries be based on abundance and restricted the largest sport fishery in the Kuskokwim. The subsistence fishing schedule was adopted to 1) improve the quality of escapement, 2) to spread the harvest throughout the run thereby reducing the impact on any particular component of the run, and 3) to distribute more fish to upriver districts in order to provide more equitable subsistence opportunities among subsistence users. The fishing schedule was based on past fishing patterns and was designed to provide reasonable opportunity for subsistence

users to meet their needs during years of average to below average run abundance. The schedule would accomplish the goals listed above by providing weekly periods when the fish would not be subjected to capture in gillnets and in fish wheels. The schedule was not intended to reduce the subsistence harvest of king salmon. This rebuilding plan was focused on providing reasonable opportunity for subsistence users to meet their needs, and improving upriver salmon escapements.

Consistent with conservative management of the fishery, the sport bag and possession limit for king salmon was reduced from three fish to one prior to the arrival of king salmon in the river during 2001-2003, and the season opening was delayed until June 15. The action to reduce the bag limit pre-season was taken because the department cannot reliably determine run strength until in-season assessment information is available. Actions taken to relax or increase restrictions in the sport fishery have consistently been in response to the level of abundance based on in-season indicators.

Since inception of the Kuskokwim Salmon fishery rebuilding plan in 2001, king salmon runs have improved, the drainage-wide escapements have been better than average and subsistence needs have been met or exceeded throughout the drainage. Therefore the plan appears to be having the desired affect of improving the sustainability of the king salmon resource within the Kuskokwim River.

DEPARTMENT COMMENTS. The department is **OPPOSED** to this proposal. During 2003, the department recommended to the board that the yield concern for king salmon be continued for at least three more years on the Kuskokwim River. It is the department's opinion that the rebuilding plan is working.

COST ANALYSIS. Approval of this proposal is expected to result in an additional direct cost for private person to participate in area fisheries.

PROPOSAL 146, PAGE 144, 5 AAC 70.023(d)(3). Special provisions for methods and means. Amend this regulation in the Kanektok River drainage as follows:

Allow the use of bait in the lower 15 miles of the Kanektok River from June 15 to July 15.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of bait while fishing for king salmon in the lower portion of the Kanektok River.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.023(d)(3) in the Kanektok river drainage, only unbaited, single-hook artificial lures may be used; however state residents (Alaska Subsistence users) can use rod and reel gear with bait.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would improve the catch rate and increase harvest of king salmon in the lower 15 miles of the Kanektok River.

BACKGROUND. Removing bait from the lower Kanektok River sport fishery was accepted based on angler and guide desires to protect rainbow and other resident fish species by reducing delayed mortality from bait fishing while targeting salmon. The use of bait is not compatible with Southwest Rainbow Trout Management Plan that designates the Kanektok River as a “quality” rainbow trout fishery with a catch-and-release requirement in the entire drainage from 8 June through 31 October. The sport harvest of king salmon has averaged 969 fish (1993-2002) while escapement indices have ranged from 4,000-7,000 fish over the last 10 years. This proposal seeks to allow bait for a limited period in a small length of the lower Kanektok River. This proposed action is consistent with other area fisheries in the lower Kuskokwim River where the use of bait for the entire year accommodates those anglers that choose to use bait.

DEPARTMENT COMMENTS. The department is **NEUTRAL** on this proposal because it is allocative. The concept of allowing bait in an area currently designated as catch-and-release for rainbow trout using single-hook, artificial lures would add some inconsistency to the regulations. There are no biological or conservation concerns identified for king salmon or rainbow trout in the Kanektok River drainage.

COST ANALYSIS. Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate in area fisheries.

PROPOSAL 147, PAGE 146, 5 AAC 70.023(d). Special provisions for methods and means. Amend this regulation as follows:

The North, Middle, and South forks of the Goodnews River from the headwaters to the mouth are closed to the use of any boat equipped with an inboard or outboard motor with an aggregate horsepower in excess of the manufacture’s rating of 40 h.p. for all users from May 15-September 30, 2007.

WHAT WOULD THE PROPOSAL DO? This would restrict access to the Goodnews River drainage by boats that are powered by more than 40 horsepower for a majority of the open water period.

WHAT ARE THE CURRENT REGULATIONS? There are no horsepower or outboard type restrictions or controlled uses areas within state waters of the Goodnews River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Only boats with combined horsepower of 40 h.p. or less would be able to travel on the Goodnews River.

BACKGROUND: A similar proposal was heard during public testimony during the 2001 AYK BOF meeting from a member of the Kwethluk Joint Group. The Board provided direction on steps necessary to proceed with any access restriction that affected multiple

uses under the jurisdiction of several agencies. The Board's authority to limit access to navigable waters is related only to uses directly involved in fishing, and must also be related to a conservation concern.

DEPARTMENT COMMENTS. The department is **OPPOSED** to this proposal because of the lack of biological evidence supporting the concern for fish habitat degradation. There are currently no biological or conservation concerns for the fish stocks of the Goodnews River drainage.

COST ANALYSIS. Adoption of this proposal would result in an additional direct cost for the private person to participate in this fishery.

PROPOSAL 148, 5 AAC 70.024, Harvest record required; annual limits; and 5 AAC 70.023 Special provisions for methods and means. Amend these regulations to provide the following:

The annual limit for king salmon (greater than 20 inches in length) is five (5) king salmon, only two of which may be over 28 inches, and of which no more than four (4) can be harvested from either the Kanektok or Goodnews Rivers and no more than two (2) can be harvested from the Arolik River.

In the Kanektok, Goodnews, and Arolik Rivers all king salmon removed from the water must be retained.

WHAT WOULD THE PROPOSAL DO? Establish annual limits for king salmon that are greater than 20 inches in length in Kanektok, Arolik and Goodnews Rivers and require that any king salmon removed from the water must be retained.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 70.024 and 5 AAC 70.023(d). There are no annual limits for any species of fish in Kanektok, Goodnews or Arolik Rivers, and there are no regulations stating that any fish removed from the water must be retained.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Anglers would only be allowed to annually harvest five king salmon greater than 20 inches in length from the Kanektok, Goodnews, and Arolik rivers combined; only four of these could be from the Kanektok or Goodnews rivers, and only two from the Arolik River. Additionally, all king salmon removed from the water would become part of the bag limit.

BACKGROUND. In the past the BOF has adopted annual limits for king salmon as a conservation measure to maximize angler opportunity in those fisheries that have the potential to fully utilize the available surplus.

Angler effort in Kanektok River sport fisheries has averaged 7,700 angler days for all fish species over the past five years, and has remained fairly stable. The average sport harvest in the Kanektok has been less than 900 king salmon during the last 10 years. The catch of king salmon has ranged from 2,000-13,000 and averages 6,000 to 7,000 annually.

Angler effort in the Arolik River has averaged about 300 angler days per year for the last five years. The Arolik River receives little effort because legal access is very limited; the entire watershed has been selected as Native Corporation lands and is under legal dispute between the Federal and State of Alaska governments based on stream navigability. Estimated annual sport harvest of king salmon harvests is very small (less than 30 fish) and estimated catches are around 150 fish.

Angler effort in Goodnews River sport fisheries has averaged 4,500 angler days for all fish species over the past five years. The average estimated sport harvest in the Goodnews has been 250 king salmon during the last 5 years. The estimated sport catch of king salmon has averaged 2,600 fish for the last 5 years while escapements have averaged 9,700 fish (1998-2002).

DEPARTMENT COMMENTS. The department is **NEUTRAL** on this proposal because of its allocative nature between user groups. There is currently no biological or conservation concern for the king salmon resources of the Kanektok, Goodnews or Arolik Rivers.

COST ANALYSIS. Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.

PROPOSAL 149, PAGE 151, 5 AAC 70.022. Waters; seasons; bag, possession, and size limits. Amend this regulation as follows:

The bag and possession limit for salmon other than king salmon is two fish on the Arolik, Goodnews, and Kanektok Rivers.

WHAT WOULD THE PROPOSAL DO? The bag and possession limit for sockeye, pink, chum and coho salmon combined would be reduced from five to two fish on the Arolik, Goodnews and Kanektok Rivers.

WHAT ARE THE CURRENT REGULATIONS? 70.022(e)(12), (B)(ii),(C)(ii), &(D)(ii). The bag and possession limit for salmon, other than king salmon is five fish, with no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Sport anglers would have a net loss of three salmon a day in the bag and possession limit.

BACKGROUND. Angler effort in Kanektok River sport fisheries has averaged 7,700 angler days for all fish species over the past five years, and has remained fairly stable. Angler effort in the Arolik River has averaged about 300 angler days per year for the last five years. Angler effort in Goodnews River sport fisheries has averaged 4,500 angler days for all fish species over the past five years.

Estimated annual sport harvests of coho, chum, and sockeye salmon combined from the Kanektok, Goodnews, and Arolik rivers has averaged 2,077 coho salmon, 23 chum salmon, and 1,008 sockeye salmon. These levels of harvest have been relatively stable.

DEPARTMENT COMMENTS. The department is **NEUTRAL** on this proposal because of its allocative nature between user groups. There is no biological or conservation concern for the salmon resources of the Arolik, Goodnews, and Kanektok Rivers.

COST ANALYSIS. Adoption of this proposal is not expected to result in an additional direct cost for private person to participate in area fisheries.